

## WEEK 1

### TOPIC 1 - INTRODUCTION, OVERVIEW: HUMAN RIGHTS IN PUBLIC INTERNATIONAL LAW

#### 1.1 - PRE CLASS NOTES

*Reading: Randall International Human Rights Law (2013)*

##### SUMMARY

- This chapter traces the evolution of international human rights law (IHRL) from philosophical roots to modern treaty systems. Randall explains how early philosophical concepts from the Enlightenment—especially those centered on individual dignity, natural rights, and equality—laid the foundation for human rights thought. However, for centuries, these ideals were largely absent from binding international law.
- The modern human rights movement only took shape in the 20th century, particularly after World War II, in reaction to atrocities like the Holocaust. This led to the adoption of the UN Charter (1945), which for the first time committed the international community to promoting respect for human rights.
- The Universal Declaration of Human Rights (1948) marked a pivotal moment, articulating a universal set of human rights principles. This was followed by legally binding treaties such as the ICCPR and ICESCR, forming the International Bill of Human Rights. Randall also examines how decolonisation, Cold War dynamics, and global civil society helped shape the development of international law over the decades.
- Crucially, the chapter critiques the limitations of state sovereignty and enforcement in IHRL, and notes the emergence of regional systems (Europe, Americas, Africa) and non-state actors in shaping norms.

##### QUESTIONS

#### **1. What is International Law, and how did it evolve over time?**

- International law governs the relationships between sovereign states and other international actors. Historically, it focused on regulating state-to-state conduct, especially after the 1648 Westphalian Peace. However, in the 20th century, especially after WWII, international law evolved to protect individuals, challenging older ideas like absolute state sovereignty. The shift toward protecting human dignity and universal rights marked a significant development, paving the way for international human rights law (IHRL).

#### **2. How did the modern human rights movement develop?**

- The modern human rights movement crystallized post-WWII, triggered by the horrors of the Holocaust and WWII atrocities. It drew on Enlightenment ideas (e.g., Locke, Rousseau, Kant) about natural rights, liberty, and dignity, and was institutionalized with the 1948 Universal Declaration of Human Rights (UDHR). This movement continued to grow through Cold War treaties (like the ICCPR and ICESCR), decolonization efforts, and the development of regional human rights systems (Europe, Africa, Americas)

#### **3. What is the role of intergovernmental organisations such as the United Nations (UN)?**

- The UN plays a central role in developing and promoting international human rights standards. The UN Charter (1945) includes human rights as a core objective. The UN General Assembly adopted the UDHR, and treaty bodies like the Human Rights Committee (ICCPR) monitor state compliance. The UN Human Rights Council and High Commissioner for Human Rights also coordinate global human rights advocacy, investigation, and policy development

#### **4. What are human rights and what is Human Rights Law?**

- Human rights are basic moral and legal entitlements owed to every person by virtue of being human. They are classified into three generations:
  - First: Civil and political rights (e.g., free speech, bodily integrity),
  - Second: Economic, social, and cultural rights (e.g., education, housing),
  - Third: Collective or solidarity rights (e.g., development, peace, environment).
- Human Rights Law refers to the body of international and national laws that codify, protect, and enforce these

## COMPARISON OF AUSTRALIA'S STATES AND LINGUISTIC/CULTURAL REGIONS V EUROPEAN STATES



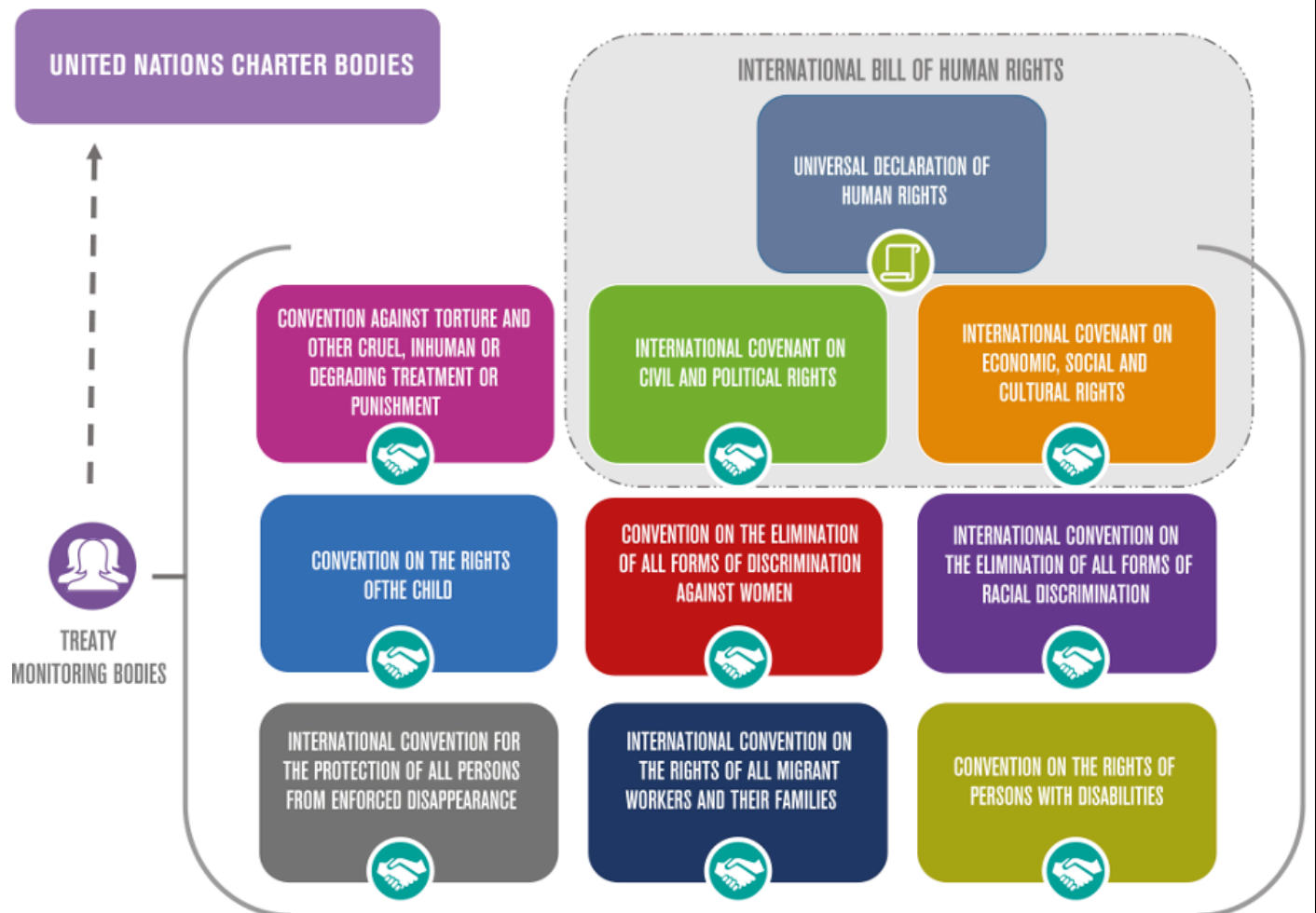
### 4 - CRITIQUES OF INTERNATIONAL LAW

- *Anghie & Mutua* (and TWAIL scholars) represent a critical school of international legal scholarship and an intellectual and political movement. It perceives international law as facilitating the continuing exploitation of the Third World through subordination to the West.
- *Watson*: assesses the legality and impact of colonisation from the viewpoint of First Nations' (specifically Australian Aboriginal peoples') law, rather than from that of the dominant Western legal tradition.
- From the perspective of Aboriginal law, colonisation was a violation of the code of political and social conduct embodied in Raw Law. Its effects were damaging.
- It forced Aboriginal peoples to violate their own principles of natural responsibility to self, community, country and future existence.

## 5 - UNDERSTANDING HUMAN RIGHTS

- **via the United Nations**
  - Charter of the United Nations (1945)
  - **'International Bill of Rights':**
    - Universal Declaration of Human Rights (1948)
    - International Covenant on Civil and Political Rights (1966)
    - International Covenant on Economic, Social and Cultural Rights (1966)
- **Europe**
  - Statute of the Council of Europe (1949)
  - Convention for the Protection of Human Rights and Fundamental Freedoms (1950)
- **Americas**
  - Charter of the Organisation of American States (1948)
  - American Convention on Human Rights (1969)
- **Africa**
  - Constitutive Act of the African Union (2000)
  - African Charter on Human and Peoples' Rights (1981)

### INTERNATIONAL HUMAN RIGHTS COVENANTS



## 5 - RIGHTS PROTECTED IN THESE INTERNATIONAL TREATIES

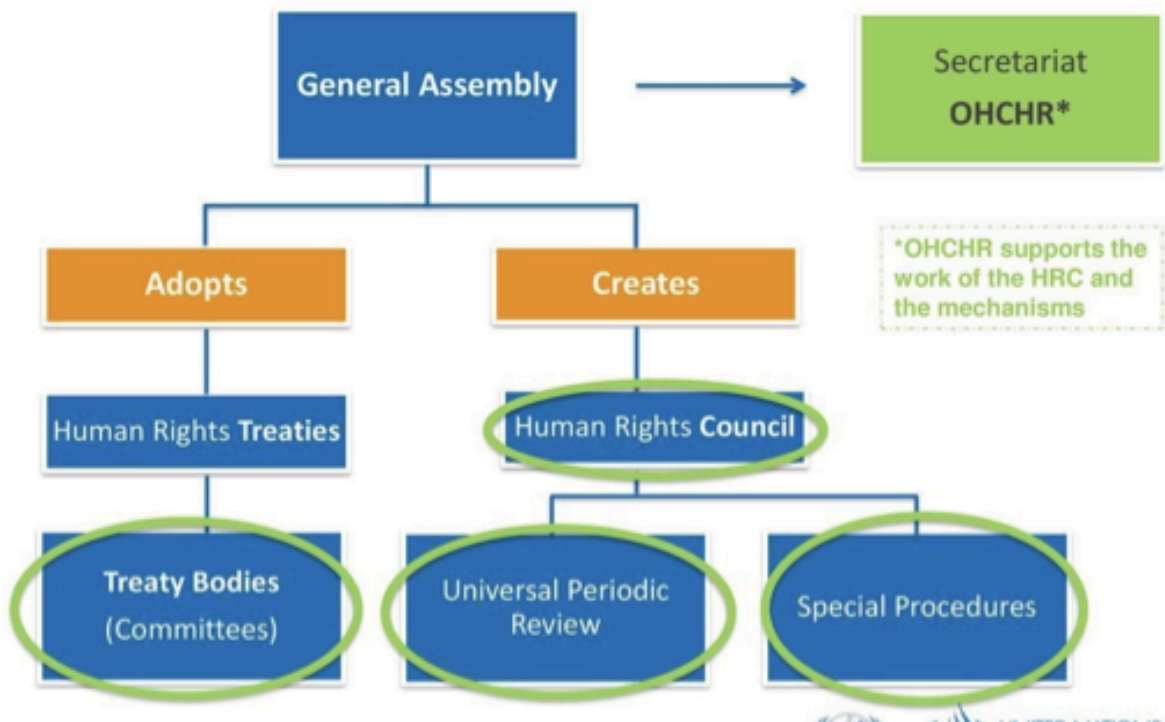
ICCPR	ICESCR
<ul style="list-style-type: none"> <li>• Right of self-determination (art 1)</li> <li>• Right to life (art 6)</li> <li>• Freedom from torture, inhuman &amp; degrading treatment, and medical experimentation without consent (art 7)</li> <li>• Freedom from slavery, servitude, and forced labour (art 8)</li> <li>• Freedom from arbitrary detention, and procedural rights associated with detention (art 9)</li> <li>• Right to liberty and security of the person (art 9)</li> <li>• Right to humane treatment when deprived of liberty (art 10)</li> <li>• No imprisonment for failure to fulfil a contract (art 11)</li> <li>• Freedom of movement (art 12)</li> <li>• Procedural rights against expulsion (art 13)</li> <li>• Right to a fair trial (art 14)</li> <li>• Freedom from retrospective criminal law (art 15)</li> <li>• Right to recognition as a person before the law (art 16)</li> <li>• Right to privacy (art 17)</li> <li>• Freedom of religion (art 18)</li> <li>• Freedom of opinion and expression and to seek, receive and impart information (art 19)</li> <li>• Prohibition of racial vilification (art 20)</li> <li>• Freedom of assembly (art 21)</li> <li>• Freedom of association (art 22)</li> <li>• Protection of the family (art 23)</li> <li>• Protection of the child, including right to acquire a nationality (art 24)</li> <li>• Freedom of political participation (art 25)</li> <li>• Right of non-discrimination (arts 2 and 26)</li> <li>• Rights of minorities re culture, religion, language (art 27)</li> </ul> <p>There are additional rights protected in ICCPR to those set out in the UDHR</p> <ul style="list-style-type: none"> <li>• Right to humane treatment when deprived of liberty (art 10)</li> <li>• No imprisonment for failure to fulfil a contract (art 11)</li> <li>• Right of child to acquire a nationality (art 24)</li> <li>• Rights of minorities, to enjoy their own culture, to profess and practise their own religion, or to use their own language. (art 27)</li> </ul>	<ul style="list-style-type: none"> <li>• Right of self-determination (art 1)</li> <li>• Right of non-discrimination (art 2)</li> <li>• Right to work (art 6)</li> <li>• Right to just &amp; favourable conditions of work (art 7)</li> <li>• Right to join a trade union (art 8)</li> <li>• Right to social security (art 9)</li> <li>• Protection of the family &amp; working mothers; protection of children from economic &amp; social exploitation (art 10)</li> <li>• Right to adequate standard of living, including food, clothing and housing (art 11)</li> <li>• Right to health (art 12)</li> <li>• Right to education (art 13-14)</li> <li>• Freedom to take part in cultural life (art 15)</li> <li>• Intellectual property-like rights (art 15)</li> </ul>

## 6 - UNITED NATIONS HUMAN RIGHTS FRAMEWORK:

### Charter of the United Nations

- United Nations human rights institutional framework: Charter-based bodies & Treaty-based bodies
- World War II origins of Charter
  - Atlantic Charter (1941)
  - Dumbarton Oaks proposals (1944)
  - Yalta meeting (1945)
  - San Francisco Conference (1945)
- The UN Charter is the founding document of the United Nations. It was signed on 26 June 1945, in San Francisco, and came into force on 24 October 1945.

## The UN main Human Rights Mechanisms



**\*\*NOTE:** UN Committees are not judicial bodies/courts but functions akin to courts. There are no precedents, decisions are called views and they generally monitor cases, which are referred to as complaints.

### INSTITUTIONAL FRAMEWORK

Two kinds of UN human rights bodies

- **Charter-based bodies** (created by or under the Charter)
  - *Human Right Council*
    - Inter-governmental body: comprised of States' representatives
    - Created by UNGA: [UN Res A/RES/60/251 \(15 March 2006\)](#)
    - Main functions:
      - Universal Periodic Review
      - Special Procedures
      - HRC Advisory Committee
      - Complaints procedure
- **10 Treaty-based bodies** (created by or under treaties)
  - Non-governmental body: comprised of individual experts
  - Created by treaties (except CESC)
  - Main functions
    - Review of periodic reports that States undertake to submit after becoming a party to the treaty
    - Considering inter-State complaints and disputes
    - Inquiring into general practices that violate a treaty
    - Considering individual complaints
    - Publishing general comments/recommendations on the nature and scope of treaty obligations



## WEEK 2

### TOPIC 7 - INDIGENOUS RIGHTS AT INTERNATIONAL AND AUSTRALIAN LAW

#### WHO ARE INDIGENOUS PEOPLES?

Over 350 Million Indigenous people across the globe

- No formal definition of **'Indigenous peoples'** has been adopted by a United Nations agency.
- The Secretariat of the Permanent Forum on Indigenous Issues states, *"in the case of the concept of 'indigenous peoples', the prevailing view today is that no formal universal definition of the term is necessary, given that a single definition will inevitably be either over- or under-inclusive, making sense in some societies but not in others."*
- [Secretariat of the Permanent Forum on Indigenous Issues \(2009\). State of the World's Indigenous Peoples. New York: United Nations. pp. 4–7.](#)
- Indigenous communities, peoples, and nations are those that, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing in those territories, or parts of them.
- They form at present non-dominant sectors of society and are determined to preserve, develop, and transmit to future generations their ancestral territories, and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems.

#### **KEY REPORTS ALREADY TELL US WHAT NEEDS TO BE DONE**

- [Royal Commission into Indigenous Deaths In Custody 1991](#)
- [Bringing them Home 1997](#)
- [Australian Law Reform Commission into Incarceration 2017](#)
- [Yoorook Justice Report 2025](#)
- [Countless other reports into state and territory issues](#)

#### DOES AUSTRALIA MEET ITS HUMAN RIGHTS OBLIGATIONS TO INDIGENOUS PEOPLES?

The report noted that Indigenous Australians continue to face significant challenges, including:

- **Social Disadvantage:** Despite economic growth, social disadvantage among Indigenous Australians persists, particularly in areas like health, education, and employment.
- **Incarceration and Child Removal:** expressed serious concern about the high rates of incarceration and child removal, calling them "deeply disturbing" and "alarming".
- **Lack of Self-Determination:** government policies often do not adequately respect the rights to self-determination and effective participation of Indigenous Australians.
- **Intergenerational Trauma and Racism:** acknowledged the impact of intergenerational trauma and racism on Indigenous communities and called for these issues to be addressed.
- **Racism and Inequality:** highlighted the prevalence of racism and the need to address it.
- **Violence Against Women:** recommended new targets to reduce violence against Indigenous women.

#### **THE VICTORIAN CHARTER ASKS US TO ENGAGE WITH INTERNATIONAL HUMAN RIGHTS STANDARDS**

- **Right to protection of cultural rights**
  - [Section 19 of the Charter of Human Rights and Responsibilities](#) (the Charter) protects your right to participate in your culture, practise your religion and use your language. This section also recognises that First Nations peoples hold distinct cultural rights.
- **Aboriginal cultural rights**
  - Under the Charter, First Nations peoples have the right to enjoy their identity and culture, to maintain and use their language, and maintain their kinship ties to members of their community.
- The Charter also recognises the special relationship First Nations peoples have with the land, water and resources in Victoria. This relationship could be spiritual, material or economic and may be connected to traditional laws and customs. This right also protects your access to cultural institutions, ancestral lands, natural resources and traditional knowledge.

## INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR)

- A multilateral human rights treaty
- Opened for Signing 1966. Came into force 1976 – now over 170 countries have signed
- Australia became a party 1981 & Australia signed onto the Optional Protocol 1991.
- This Optional Protocol means Australia has consented to have Individual complaints brought against it.
- The monitoring body is called the Human Rights Committee - comprised of independent experts who will adjudicate on complaints and issues.

### Article 1 → Self-determination

- 1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
- 2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of ... international law. In no case may a people be deprived of its own means of subsistence.

### WHAT DOES SELF-DETERMINATION MEAN, PARTICULARLY FOR INDIGENOUS PEOPLES?

See for eg [CCPR General Comment No. 12: Article 1 \(Right to Self-determination\), The Right to Self-determination of Peoples 1984](#)

- And the Cth Attorney General says:
- *'While there is no universally accepted agreement as to the content of the right to self-determination, it is agreed that at a minimum, it entails the entitlement of peoples to have control over their destiny and to be treated respectfully. This includes peoples being free to pursue their economic, social and cultural development.'*
  - *S James Anaya on Self Determination Indigenous Peoples in International Law (2004 OUP)*
- The international norms concerning indigenous peoples, which thus elaborate upon the requirements of self-determination, generally fall within the following categories: nondiscrimination, cultural integrity, lands and resources, social welfare and development, and self-government.
- **Thus Anaya describes Self Determination as being 'Continuing' and 'Constitutive':**
  - Anaya proposes that 'constitutive' self-determination requires that the governing institutional order be created by processes that are 'guided by the will of the peoples who are governed.'
  - This aspect of self-determination requires that the political order reflects 'the collective will of the peoples concerned', and to meet that standard, there must be participation and consent of the governed peoples, particularly in times of institutional development and reform.
  - If we apply this analysis to Australia's legal story, it is self-evident that Indigenous people were not included in the development of the legal and political order. They were excluded from the constituent self-determination acts that saw the birth of the federation and its governing constitution, .... That very omission underpins the current constitutional recognition debate.
  - Anaya also explains that self-determination also has an on-going 'continuing' aspect: 'The governing institutional order, independently of the processes leading to its creation or alteration, be one under which people may live and develop freely on a continuous basis'
  - So, ongoing self-determination necessitates the establishment and maintenance of institutions 'under which individuals and groups are able to make meaningful choices in matters touching upon all spheres of life on a continuous basis'.
  - In Australia this means there is an obligation to develop institutional frameworks that include Aboriginal and Torres Strait Islander peoples in the decisions, processes, lawmaking and administration that impact upon their lives.

### THE TROUBLED TREATMENT OF ARTICLE 1

- **Marshall (Mikmaq) v Canada**, before the Human Rights Committee
- In September 1980 Alexander Denny, Grand Captain of the Mi'kmaq tribal society, on behalf of the Mi'kmaq people submitted a communication to the United Nations Human Rights Committee, alleging that the Government of Canada had denied and was continuing to deny the Mi'kmaq tribal society of the right to self-determination, in violation of article 1 of the ICCPR.
- In 1990, the HRC declined to extend its jurisdiction to hear individual complaints of the claims of Indigenous

## TOPIC 9 - EQUALITY AND DISCRIMINATION

### WHAT IS EQUALITY?

#### UDHR

- **Art 7:** All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration & against any incitement to such discrimination

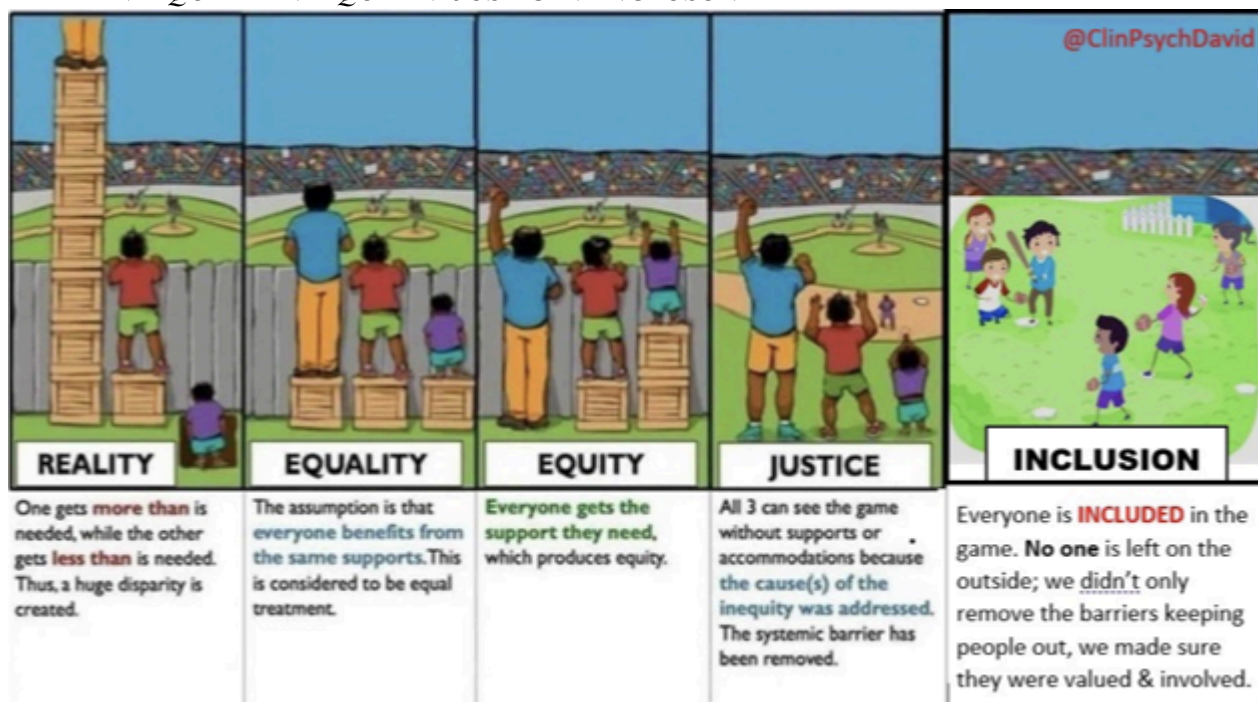
#### ICESCR

- **Art 2 (2).** The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
- **Art 3** The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

#### ICCPR

- **Right to equal enjoyment of ICCPR rights:** **Art 2(1)** Each State Party undertakes to respect and to ensure to all individuals within its territory & subject to its jurisdiction the rights recognised without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
- **Right to non-discrimination:** **Art 26** All persons are equal before the law & are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination & 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

### REALITY V EQUALITY V EQUITY V JUSTICE V INCLUSION



### CONCEPTS OF EQUALITY

#### Aristotle, 'Nicomachean Ethics' (circa 350 BCE)

- In seeking distributive justice (justice between individuals) first decide whether they are equally situated
- If they are equal should receive equal shares
- If they are unequal should receive unequal shares proportionate to the inequality



- (d) an order requiring a respondent to pay to an applicant damages by way of compensation for any loss or damage suffered because of the conduct of the respondent;
- (e) an order requiring a respondent to vary the termination of a contract or agreement to redress any loss or damage suffered by an applicant;
- (f) an order declaring that it would be inappropriate for any further action to be taken in the matter

## AUSTRALIA AND THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (CERD)

- CERD was adopted by the UNGA, in Dec 1965. It now has 182 state parties.
- Australia ratified CERD on September 30, 1975.
- The Racial Discrimination Act 1975 passed in the same year as ratification, aimed to eliminate racial discrimination within Australia.
- Its key provisions make it unlawful to discriminate against someone based on race, color, descent, national or ethnic origin, or immigrant status in areas like employment, accommodation, and access to public spaces.

### Relevant articles

- **Article 1:** In this Convention, the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.
- **Article 2:** States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and, to this end:
  - (a) Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation;
  - (c) Each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;
  - (d) Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization;
- **Article 4:** States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the UDHR & the rights expressly set forth in article 5 of this Convention, inter alia:
  - (a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;
  - (b) Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;
  - (c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination.
- **Article 5:** States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:
  - (a) The right to equal treatment before the tribunals and all other organs administering justice;

## GENERAL PROHIBITIONS ON DISCRIMINATION

RDA	SDA
<p><b>Section 9: Racial discrimination to be unlawful</b></p> <p>(1) It is unlawful for a person to do any act involving a distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of any human right or fundamental freedom in the political, economic, social, cultural or any other field of public life.</p>	<p>ss 47C(1), 47C(2), 47C(4).</p> <ul style="list-style-type: none"> <li>The new positive duty requires organisations and businesses to take 'reasonable and proportionate measures' to eliminate, as far as possible: <ul style="list-style-type: none"> <li>discrimination on the ground of sex in a work context</li> <li>sexual harassment in connection with work</li> <li>sex-based harassment in connection with work</li> <li>conduct creating a workplace environment that is hostile on the ground of sex</li> <li>related acts of victimisation</li> </ul> </li> </ul>

## EXEMPTIONS TO DISCRIMINATION

RDA	SDA
None	<p>S 37 religious bodies can engage in conduct that would otherwise be discriminatory in certain areas eg</p> <ul style="list-style-type: none"> <li>ordination or appointment of priests etc</li> <li>the training or education of people to participate in religious observance or practice</li> </ul> <p>S 38 Educational institutions established for religious purposes</p> <p>Temporary exemptions can be granted by AHRC (s 44)</p> <ul style="list-style-type: none"> <li>Whether an exemption is necessary;</li> <li>The objects of the Sex Discrimination Act;</li> <li>The applicant's reasons for seeking an exemption;</li> <li>Submissions by interested parties; and</li> <li>All relevant provisions of the Sex Discrimination Act</li> </ul>

## EQUALITY GUARANTEES

RDA	SDA
s 10: where a discriminatory law of the Commonwealth, State or territory denies the enjoyment of a right on grounds of race, ineffective to that extent ie RDA prevails over discriminatory laws	<ul style="list-style-type: none"> <li>May in effect make some acts unlawful that are permitted under state law</li> <li>But no provision stating it prevails over other laws</li> </ul>

## HATE SPEECH/VILIFICATION

RDA	SDA
<p>S 18C: offensive behaviour because of race, colour or national or ethnic origin</p> <p>(1) It is unlawful for a person to do an act, otherwise than in private, if:</p> <ol style="list-style-type: none"> <li>the act is reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate another person or a group of people; and</li> <li>the act is done because of the race, colour or national or ethnic origin of the other person or of some or all of the people in the group</li> </ol>	None

## INTERSECTING GROUNDS OF DISCRIMINATION

- **Kimberlé Crenshaw:** uses term intersectionality to refer to the effect of multiple & intersecting forms of disadvantage or discrimination.
- Women's subordination may be compounded by multiple & overlapping risk factors eg race, disability, rural location, gender.
- There are many, many different kinds of intersectional exclusions — not just black women, but other women of color; not just people of color, but people with disabilities. Immigrants. LGBTQ people. Indigenous people.
- The way we imagine discrimination or disempowerment often is more complicated for people who are subjected to multiple forms of exclusion. “ Kimberlé Crenshaw
- **CEDAW General Recommendation No. 28 on the Core Obligations of States at [18] 2010**
  - The discrimination of women based on sex and gender is inextricably linked with other factors that affect women, such as race, ethnicity, religion or belief, health, status, age, class, caste, & sexual orientation & gender identity.
  - Discrimination on the basis of sex or gender may affect women belonging to such groups to a different degree or in different ways than men.
  - States parties must legally recognize & prohibit such intersecting forms of discrimination & their compounded negative impact on the women concerned.

## GENDER MAINSTREAMING

- Assessing the gender implications of laws & policies to achieve equality. Thus it is a strategy to achieve gender equality.
- **UN policy since 1997:** ensuring that gender perspectives and attention to the goal of gender equality are central to the UN's work
  - Policy development
  - Research
  - Advocacy/ dialogue
  - Legislation
  - Resource allocation
  - Project & programme planning, implementation & monitoring

## Examples of gender mainstreaming

### ICCPR: General Comment 28 on Equality between men & women (2000)

- Elaborates ICCPR from a gender perspective to promote substantive equality
- Consider violations of ICCPR that may be experienced exclusively/predominantly by women
- eg Art 6 right to life may be violated wrt pregnancy or childbirth related deaths; consider impact of poverty on right to life, may be a breach if women have to go through life-threatening clandestine abortions
- eg art 7 may be breached by failure to protect re violence against women, female genital mutilation, forced sterilisation, forced abortion or refusal of access to safe abortion in certain circumstances

### CERD:

### General Recommendation XXV (2000)

- racial discrimination may have consequences that affect primarily or only women, such as pregnancy resulting from racial-bias motivated rape...& resulting ostracism
- [5] Methodology for assessing gender dimensions of racial discrimination:
  - (1) consider form & manifestation
  - (2) circumstances in which it occurs
  - (3) consequences &
  - (4) availability of accessible remedies