

HUMR5140, TAKE-HOME EXAM AUTUMN 2016

Assignment to be announced: 7 November at 13:00

Deadline for submission: 17 November at 13:00

Respond to **all** questions below. As a guideline, question 1 and question 2 each counts for 50 % of the total grade.

1. Identify a freedom, a value, a group, etc., which in your opinion currently is inadequately protected by international human rights treaties (limited to the nine core UN human rights treaties: <http://ohchr.org/EN/ProfessionalInterest/Pages/CoreInstruments.aspx>), and propose one or more amendments to one or more treaties that in your opinion would provide a better protection. Provide a justification for the proposal, and describe how your provision should be interpreted as a legally binding provision. You can decide for yourself whether you will propose amendments to existing provisions or whether you will propose entirely new provisions.

2. In the current refugee situation, several countries – particularly in Europe – have developed or expanded a practice of detaining asylum seeking families with children in designated immigration detention facilities pending transportation out of the country. These facilities are not considered as prisons, but the families are effectively deprived of their liberty during their stay. In exceptional cases, such detention may last several weeks. **Assume** that a family with two children aged 10 and 13 has been held in such an immigration detention facility for 24 days, in a country that is a State Party to the European Convention on Human Rights, the International Covenant on Civil and Political Rights, and the UN Convention on the Rights of the Child, and **assume further** that the State's justification for placing the family in detention is that the family has had its asylum application rejected and that it failed to show up at its appointed time for transportation out of the country, and further that the detention is based solely on an administrative decision without a judicial review.

a. Assume that you're representing the family, and build an argument for why the detention of the family violates the country's obligations under the three human rights treaties mentioned above.

- b.** Assume that you're representing the State authorities, and build an argument for why the detention of the family is not a violation of the country's obligations under the same three treaties.

In responding to question 2.a and 2.b, you may make any assumption about the facts that you consider necessary to build your argument, but any such assumption must be the same for both question a and question b.