

HUMR5140 H22

Final exam HUMR5140 Human rights in international and national law

Autumn semester 2022

Exam date: 25 November 2022 at 3:00 p.m. to 7:00 p.m.

With entry into force on 1 August 2021, Protocol no. 15 to the European Convention on Human Rights amended the Convention's preamble by adding a new recital as follows (emphasis added):

"Affirming that the High Contracting Parties, in accordance with the principle of subsidiarity, have the primary responsibility to secure the rights and freedoms defined in this Convention and the Protocols thereto, and that in doing so they enjoy a margin of appreciation, subject to the supervisory jurisdiction of the European Court of Human Rights established by this Convention,"

Exam topic: Discuss the principle of subsidiarity in regional and international human rights law.

In your essay you may address any issue relevant for the principle of subsidiarity, for example (but not limited to) the following:

What is the content and the function of the principle? Is the principle specific for the European Convention on Human Rights or does it also apply to other regional and international human rights conventions? If so, in the same or in a different manner? Why? How is the principle reflected in human rights conventions? What is the legal significance of adding the principle to the European Convention's preamble? What are the benefits and limitations of applying a principle of subsidiarity?

You will not be expected to use any other materials than the textbook and primary sources (the text of human rights conventions), but you may use any materials you have available. Use specific examples to show how the principle is reflected in existing human rights instruments, and remember to justify your arguments.