

## EXAM

HUMR 5508

### Human rights and Diversity – Leading Cases and Core Dilemmas

10 May 2014

This exam contains two sections: Short answer and Essay question. The “instructions for assignment” applies to the home exam as a whole (e.g. only one list of references for the entire exam and a limit of 4000 words). For the short answer section apply the guidelines for structure only in part: sect.(4) and (5) including correct references.

#### SHORT ANSWER

Answer EVERY question in this short-answer section (answer all four questions). Each question is worth 10% of your total examination grade (the entire short-answer section is, therefore, worth 40% of your total examination grade). As a general guideline, each answer should be no more than 1 page.

##### 1) Short questions:

- a) Does the European Court on Human Rights' concern for "the margin of appreciation" constitute a threat to the “universality” of human rights?
- b) What is the right to free, prior and informed consent?
- c) What does the notion of “necessary”, or “necessary in a democratic society” in Article 18 of the ICCPR and Article 9 of the ECHR entail when interpreted in the context of these two articles?
- d) Which are the main differences between “minority rights” and “indigenous peoples’ rights”?

#### ESSAY QUESTION

Answer ONE of the questions in this essay section (worth 60% of your total examination grade). Your essay should take both the theoretical perspectives and human rights law into account, assuming that all human rights treaties are ratified. The essay should shed light on the two main dilemmas which were introduced at the start of the course from different theoretical perspectives:

- I. Legal and ethical dilemmas in dealing with conflicts between individual and collective rights and interests.
- II. Legal and ethical dilemmas in dealing with the legitimate interests and rights of minorities and the majority.

##### 2) Essays (choose 1 of the following):

- a) How can the equal rights of women come into conflict the rights of indigenous peoples and with the rights of faith communities?
- b) How can the rights of self-determination of groups as well as limitations to these rights be justified?