

Question 1JUR1710 H22

JUR 1710: International Human Rights Law: Institutions and Procedures

1. Short Questions:

Answer all four questions mentioned below. Each question is worth 10% of your total examination grade; the entire short-questions section is 40% of your total grade.

1. What are the rules of admissibility before the European Court of Human Rights?

2. Elaborate on the key distinctions between a minority and an indigenous people under international law.

3. What are “interim measures”? Are they legally binding? Discuss in the light of the International Court of Justice’s decision in *The Gambia v. Myanmar* (ICJ, 2020).

4. In the *Fosen Vind* project case (2021), the Supreme Court of Norway concluded that the interests of the indigenous people should not be weighed against societal or economic considerations. Considering this development, discuss the rights of the indigenous people under international human rights law.

2. Essay Question:

The essay question is worth 60% of your total examination grade. As a general guideline, aim at quality, not quantity.

In 2019, sixteen youths filed a Communication before the Committee on the Rights of Child against five countries: Argentina, Brazil, France, Germany and Turkey. The youths in their Communication argued that these five countries made insufficient cuts to greenhouse gasses and failed to curb carbon pollution per their commitments in the Paris Agreement 2015. These five countries have also ratified the Third Protocol of the Convention on the Rights of the Child, which allows children to file petitions against any of the countries that have ratified the Third Protocol if their rights have been violated.

The Committee, in its decision in Chiara Sacchi et al. v. Germany dated September 22, 2021, recognised that the authors of the Communication have a fit case against the respondents; however, it ruled that Communication is inadmissible on a procedural ground.

The decision in Chiara Sacchi indicates the procedural challenges that climate cases will face before the international/regional for a. Discuss the procedural aspects involved in this particular case.

Tip: Three respondent States, namely - Brazil, France and Germany, argued that the Communication is inadmissible on the grounds of lack of jurisdiction; lack of substantiation of claims; and the failure to exhaust domestic remedies.

Chiara Sacchi et al. v. Germany:

<https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/ARG/CR C C 88 D 104 2019 33020 S.pdf>

