

# Exam JUR5710/JUR1710/HUMR4110 - International Human Rights Law: Institutions and Procedures

**Autumn 2009**

## SHORT ANSWER

Answer EVERY question in this short-answer section (answer all eight questions). Each question is worth 5% 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 less than one page.

1. Define "exhaustion of domestic remedies." In your short answer, consider both regional and treaty-body institutions.
2. Describe the three primary means by which the United Nations treaty bodies communicate with States Parties to their respective treaties. Note that not every treaty body has a mandate to utilize every one of the three means. In your short answer, (1) compare the effectiveness of each of the means; and (2) explain the international legal nature of each of the means.
3. Describe the main functions and powers of the United Nations Human Rights Council. Your answer should also highlight which are the main differences between the Human Rights Council and the former Human Rights Commission.
4. Explain to whom States Parties to the International Covenant on Economic, Social and Cultural Rights (CESCR) have obligations. In your short answer, be sure to consider the territorial scope of the CESCR.
5. Explain the state obligation of States Parties to the International Covenant on Economic, Social and Cultural Rights to "take steps." In your short answer, you are free (but are not required) to refer to jurisprudence from regional or national jurisdictions to assist in your explanation.
6. Article 34 of the Convention for the Protection of Human Rights and Fundamental Rights (generally referred to as the European Convention on Human Rights), a complaint may be brought to the European Court of Human Rights (ECtHR) by "any person, non-governmental organisation or group of individuals claiming to be the victim of a violation by one of the High Contracting Parties of the rights set forth in the Convention or the protocols thereto." In approximately one page, define "victim" as used in Article 34 and as interpreted by the ECtHR.
7. Describe the burden of proof in claims of torture. In your short answer, be sure to explain not only the initial burden of proof of the complainant, but also any further burdens on the 'defendant' or others.
8. Define "peoples" in relation to the "self determination of peoples." In your short answer, you are free to refer to any sources of law or reasoning.

## ESSAY QUESTION

Answer ONE of the questions in this essay section (worth 60% of your total examination grade). Each question has equal weight toward the exam grade. As a general guideline, remember that it is quality not quantity that is graded.

Question I:

Describe briefly the institutions and procedures of the United Nations Charter-based system, including special procedures, for the protection and promotion of human rights and make an evaluation of their effectiveness in “enforcing” the respect for human rights. In your answer, you may wish to refer to jurisprudence from regional and international institutions to assist in your explanation.

Question II:

The United Nations treaty bodies provide an elaborate system for the protection of human rights. Under the aegis of the Council of Europe a regional system has developed, in which the European Convention for the Protection of Human Rights and Fundamental Freedoms is the starting point. Describe and comment upon differences and similarities in the United Nations and Council of Europe regimes for the protection of human rights. In your answer, you may wish to refer to jurisprudence from regional and international institutions to assist in your explanation.

Question III:

The content of the right to self-determination of peoples has developed over time. Describe and comment upon the substance of the right of self-determination. In your answer, you may wish to refer to jurisprudence from regional and international institutions to assist in your explanation.