

JUS5710 Exam H21

Short questions:

I.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). Remember to refer to relevant international “case law” in your answer.

1. Explain briefly why the Committee on Economic, Social and Cultural Rights (in General Comment No.24, 2017) and the Committee on the Rights of the Child (in General Comment no.16, 2013) took different approaches to States’ obligations with regard to transnational companies and human rights? (see De Schütter pp.538-539)

2. Which are the main differences between the protection against gender-based violence under the UN Convention on the Elimination of All Forms of Discrimination against Women, (CEDAW) and the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention)?

3. Describe briefly the possibilities according to international human rights law for China to limit the right to freedom of expression of the 2019-2020 Hong Kong protesters, “the Anti-Extradition Law Amendment Bill Movement»?

4. In the 2018 concluding observations on China, the Committee on the Elimination of Racial Discrimination (CERD) recommended China to ensure the official recognition of all ethnic groups in its territory and the political representation of persons belonging to these groups. The CERD noted that in 2010, there were over 640,000 people who did not belong to one of the 56 recognized ethnic groups. Considering this recommendation, describe briefly what is the function and importance of a definition of a minority or an indigenous people in international law.

II. ESSAY QUESTION:

The Answer of the essay question is worth 60% of your total examination grade. As a general guideline, remember that it is quality not quantity that is graded.

The OHCHR states: «Climate change threatens the effective enjoyment of a range of human rights including those to life, water and sanitation, food, health, housing, self-determination, culture and development. States have a human rights obligation to prevent the foreseeable adverse effects of climate change and ensure that those affected by it, particularly those in vulnerable situations, have access to effective remedies and means of adaptation to enjoy lives of human dignity.»

(<https://www.ohchr.org/EN/Issues/HRAndClimateChange/Pages/HRClimateChangeIndex.aspx>)

Discuss and analyze the problems and potentials of using international/regional human rights law and international/regional human rights institutions to address the threat of climate change to the human rights of indigenous peoples. You may – but are not limited to - take into account the following cases/decisions/advisory opinions:

- Chiara Sacchi et al v. Germany CRC/C/88/D/107/2019; Teitiota v. New Zealand, CCPR/C/127/D/2728/2016; Inter-American Court of Human Rights Advisory Opinion OC-23/17 of November 15, 2017 requested by the Republic of Colombia (published 7 Feb 2018); 155/96 : Social and Economic Rights Action Center (SERAC) and Center for Economic and Social Rights (CESR) / Nigeria