

[Courseware \(/courses/LouvainX/Louv2.01x/1T2014/courseware\)](/courses/LouvainX/Louv2.01x/1T2014/courseware)

[Course Info \(/courses/LouvainX/Louv2.01x/1T2014/info\)](/courses/LouvainX/Louv2.01x/1T2014/info)

[Discussion \(/courses/LouvainX/Louv2.01x/1T2014/discussion/forum\)](/courses/LouvainX/Louv2.01x/1T2014/discussion/forum)

[Wiki \(/courses/LouvainX/Louv2.01x/1T2014/course_wiki\)](/courses/LouvainX/Louv2.01x/1T2014/course_wiki)

[Progress \(/courses/LouvainX/Louv2.01x/1T2014/progress\)](/courses/LouvainX/Louv2.01x/1T2014/progress)

[Reading Materials \(/courses/LouvainX/Louv2.01x/1T2014/pdfbook/0/\)](/courses/LouvainX/Louv2.01x/1T2014/pdfbook/0/)

[Syllabus \(/courses/LouvainX/Louv2.01x/1T2014/3517b9300b554b118f11224b8c05eb10/\)](/courses/LouvainX/Louv2.01x/1T2014/3517b9300b554b118f11224b8c05eb10/)

- The following questionnaire is worth 10% of your final grade.
- The questionnaire is divided into ten questions worth one point each.
- You are allowed a **single attempt** to respond to the exam: when you click on '**check**' you will submit the exam, so **be careful not to submit your responses before you are sure**. You can save your responses without submitting them by clicking on '**save**'.
- Unlike the exercises you have gone through in the section, this questionnaire does not contain an explanation for each question.

Help

QUESTIONNAIRE - SECTION 3 (7/10 points)

1. According to the Committee against Torture, the refusal to independently investigate credible allegations of torture and to prosecute authors of acts of torture:

- ☐ may be justified where the fight against impunity would jeopardize a national reconciliation process;
- ☐ may be justified where the alleged torturers were acting in the exercise of the right of the nation's self-defence;
- ☐ may be justified where the alleged acts of torture have been covered by an amnesty law;
- ☒ may never be justified. ✓

2. Because the prohibition of torture and inhuman or degrading treatment or punishment is absolute, States may not return a person suspected of links with terrorist groups to a territory where ...

- ☒ the risk of torture or ill-treatment in the country of destination is higher than the risk that the person will engage in terrorist activity in the sending country; ✗
- ☐ there exists a real or substantial risk of torture or ill-treatment in the country of destination; ✓
- ☐ there exists even a small risk of torture or ill-treatment in the country of destination;
- ☐ there exists a risk of torture or ill-treatment in the country of destination, unless the person concerned constitutes a real risk to the national security of the sending country.

3. Where a person is being deported to a country where it may be reasonably feared that she will be subjected to torture or ill-treatment, or to serious miscarriage of justice, diplomatic assurances provided by the receiving State at the request of the sending State are not sufficient to prevent the person from being returned to the receiving State.

- ☐ have never been accepted by human rights courts or bodies as allowing the removal of the person concerned;
- ☐ have been accepted by human rights courts or bodies as allowing the removal of the person concerned only where the assurances are stipulated in a legally binding instrument;
- ☒ have been accepted by human rights courts or bodies as allowing the removal of the person concerned only where the assurances are binding and include an independent monitoring of the situation of that person following the removal; ✓
- ☐ are considered by human rights courts or bodies as allowing the removal which would otherwise be prohibited.

4. Human rights may only be restricted if the reasons for doing so are legitimate. In this regard:

- ☐ the feelings of the majority of the population may under no circumstance be considered a legitimate reason for restricting rights;
- ☐ the feelings of the majority may play a role, however hostile towards certain segments of the population, as the State may invoke the need to preserve "public morals";
- ☒ the feelings of the majority may play a role, unless they are based on a "distaste" for certain segments of the population; ✓
- ☐ none of the above.

5. Self-proclaimed "historians" who question the reality of the genocide of the European Jews by the Nazis:

- ☐ may be imposed penalties for disseminating their views, as such criminalization would be justified in the name of the protection of the "rights of others" or as required in the name of public order;
- ☐ may be imposed penalties for disseminating their views, as they may be considered as committing an abuse of rights;
- ☐ may be imposed penalties for disseminating their views, for both reasons given in (a) and (b); ✓
- ☒ may not be imposed penalties for disseminating their views, as freedom of expression is precisely there to protect ideas that are unpopular or provocative. ✗

6. The condition according to which any restriction to human rights should be "in accordance with the law" serves to ensure:

- ☐ that the restriction will not be imposed in violation of the law;
- ☐ that the restriction will not take the individual by surprise;
- ☐ that the restriction will not be imposed in a way that is arbitrary or discriminatory;
- ☒ all of the above. ✓

- ☐ is irrelevant where the duty of the State to provide certain goods or services is concerned, since denying a good or service is not "restricting" a right;
- ☐ means that elected parliamentary assemblies must define the conditions under which goods or services should be provided, when such provision corresponds to the fulfilment of a human right;
- ☐ means that access to goods and services, whose provision corresponds to the fulfilment of a human right, should not be arbitrarily denied; ✓
- ☒ both (b) and (c). ✗

8. The condition of necessity or proportionality, which restrictions to human rights should comply with, means:

- ☐ that such restrictions should not go beyond what is strictly necessary for the realization of the legitimate aim that justifies them;
- ☐ that such restrictions should respect a certain balance between the importance of the aim pursued and the negative impacts on human rights: the more important the aim, the more important such negative impacts will be found acceptable;
- ☐ that such restrictions should be adopted taking into account all relevant interests, and through procedures that ensure that all people affected have been consulted, and that the decision was well-informed;
- ☒ all of the above, depending on the circumstances. ✓

9. Where restrictions to human rights are being imposed, the "procedural" approach to the test of necessity/proportionality means that:

- ☐ only restrictions to human rights imposed through laws adopted in parliament should be authorized;
- ☐ procedural remedies should be available to the person alleging to be victim of a violation of human rights;
- ☒ only restrictions that are based on a careful assessment of all the implications and alternatives, and that are adopted through procedures in which all interests affected have an opportunity to be heard, shall be authorized; ✓
- ☐ none of the above.

10. "Absolute" rights cannot be subject to restrictions. We have seen, however, that States may derogate from some of their human rights obligations in cases of conflict or other public emergencies. Which of the following statements is correct?

- ☐ if a right is absolute, it cannot be derogated from;
- ☒ even rights that are absolute may sometimes be derogated from, in times of war or where there is a public emergency; ✓
- ☐ if a right cannot be derogated from in times of war or where there is a public emergency, it follows that the State should not be allowed to impose restrictions on that right in the absence of such exceptional circumstances;
- ☐ none of the above statements is correct.

[Hide Answer\(s\)](#)

You have used 1 of 1 submissions



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