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- The following questionnaire is worth 10% of your final grade.
- The questionnaire is divided into ten questions worth one point each.
- You are allowed **two attempts** to respond to the exam: your exam will be submitted definitively once you click on **'final check'**. **Be careful not to submit your responses before you are sure of your responses.** 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 7 (10/10 points)

1. The right to an effective remedy guaranteed to any victim of a violation of a human right is defined as:

- ☐ the right to have access to a court competent to provide reparation;
- ☒ the right to have access to an independent and impartial mechanism, which has the power to order a cessation of the violation or to provide reparation; or, ✓
- ☐ the right to request from the author of the measure that has caused the violation that the said measure be re-examined.

2. Under Article 2, para. 3, of the International Covenant on Civil and Political Rights, States parties must "ensure that any person *whose rights or freedoms as herein recognized are violated* shall have an effective remedy". This implies that:

- ☒ Unless a substantive right or freedom has been violated, the State cannot be held responsible for not granting an effective remedy; ✓
- ☐ The person seeking to exercise a remedy must demonstrate that he/she is a victim of a violation of human rights *before* access to a remedy can be granted; or,
- ☐ The authority before which the remedy is exercised must abstain from examining the claim unless the existence of a violation is established.

3. Establishing robust remedies allowing victims of human rights violations to seek redress is:

- ☐ In the interest of the victim, because remedies before domestic authorities are easier to exercise than remedies before international bodies;
- ☐ In the interest of the State, because victims must exercise the remedies available at domestic level before they can file a claim against the State at international level; or,
- ☒ In the interest of both the victim and of the State. ✓

4. The requirement to provide effective remedies for violations of human rights implies:

- ☐ A duty for domestic authorities to apply international human rights treaties directly to the cases before them;
- ☒ A duty for domestic authorities to put an end at the violation or to provide compensation, on whichever legal basis; or, ✓
- ☐ A duty for domestic authorities to take into account international human rights treaties in the cases before them, whether by applying such treaties directly or by referring to them through other, indirect means.

5. Some commentators express doubts about the ability for courts to protect social problems due to the "multipolarity problem". This refers to:

- ☐ The fact that courts do not have the required expertise to address complex societal issues;
- ☐ The fact that courts should not be left to arbitrate between different priorities; or,
- ☒ The fact that courts cannot address society-wide issues, concerning large numbers of individuals, on a case-by-case basis alone, since that would unduly favor the particular individuals having filed a claim before courts. ✓

6. In the *Grootboom* case presented to the Constitutional Court of South Africa, the Court:

- ☐ Guaranteed the right to housing as a self-standing right, imposing on the State authorities to provide housing to all homeless people who cannot afford to rent or buy a home;
- ☒ Did not impose a duty to provide housing immediately to all homeless people, but imposed on the public authorities that they present a credible plan to realize the right to housing by defining a timeline and allocating responsibilities; or, ✓
- ☐ Took the view that courts could not enforce the right to housing, since the right to housing is subject to progressive realization and depends on the availability of adequate resources.

7. In the "Right to Food" case, the Supreme Court of India:

- ☐ Decided to create a self-standing "right to be fed" on the basis of the right to life guaranteed under Article 21 of the Constitution;
- ☐ Decided to oblige the different States of the Union to comply with existing legislation guaranteeing various forms of protection to the destitute;
- ☒ Decided to define various social programmes as implementing the right to life, and thus to make these programmes universal and obligatory. ✓

8. Non-judicial means of promoting and protecting human rights are highly desirable because:

- ☒ Courts often are not well equipped to deal with structural situations, that go beyond discrete violations affecting individual victims; ✓
- ☐ Courts are less sensitive to concerns expressed by organisations representing victims than parliamentary committees or national human rights institutions; or,
- ☐ Courts are unwilling, in general, to challenge governmental policies.

9. The *Paris Principles on national institutions for the promotion and protection of human rights* impose a requirement:

- ☐ That national human rights institutions (NHRIs) include representatives of all relevant non-governmental organisations among its members;
- ☒ That NHRIs adopt working methods ensuring, at a minimum, that they collaborate with different parts of civil society; ✓
- ☐ That NHRIs have a membership including a representation of minorities roughly proportionate to their importance within the population as a whole.

10. Some NHRIs have the competence to receive individual complaints and to seek a solution based on the recommendations they can address to the authors of the measures that allegedly cause a violation of human rights:

- ☐ This is an effective remedy, ensuring compliance with, for instance, Article 2 para. 3 of the International Covenant on Civil and Political Rights or with Article 13 of the European Convention on Human Rights;
- ☐ This is not an effective remedy, because only courts can be considered to comply with the requirements set forth in the provisions cited; or,
- ☒ This is not an effective remedy, because NHRIs do not have the power to adopt decisions that are binding on those to whom they are addressed. ✓

Help

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You have used 2 of 2 submissions



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