

- [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)
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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 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 1 (4/10 points)

1. The 1948 Universal Declaration of Human Rights was implemented through two separate covenants in 1966 (the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights)

- ☐ because economic and social rights were considered of minor importance compared to civil and political rights;
- ☒ because the two sets of rights were not seen as interdependent; ✖
- ☐ because of an unwillingness of industrialized countries to finance social programmes in developing countries;
- ☐ none of the above.

2. The 1948 Universal Declaration of Human Rights

- ☐ may arguably be seen as part of customary international law;
- ☐ may be seen as expressing general principles of law, which are a source of international law;
- ☒ is binding as it was adopted by the United Nations General Assembly; ✖
- ☐ both (a) and (b).

3. Human rights treaties should be treated as trumping commitments States have accepted under trade or investment agreements:

- ☒ because human rights may be seen as having the status of *jus cogens*; ✓
- ☐ because human rights treaties impose obligations *erga omnes*;
- ☐ because human rights treaties are not concluded in the mutual interest of States, but for the benefit of the people under their jurisdiction;
- ☐ none of the above.

4. The Charter of the United Nations refers to human rights and fundamental freedoms as one of the purposes of the Organization, and to a pledge of all UN Members to cooperate for their fulfilment. This:

- ☒ implies that all treaties the member States enter into must be consistent with human rights; ✓
- ☐ is without real significance since the UN Charter does not define the "human rights and fundamental freedoms" it refers to;
- ☐ means that human rights treaties are really superfluous, since the Charter already imposes binding obligations to comply with human rights;
- ☐ none of the above.

5. States may append a reservation to their ratification of human rights treaties:

- ☐ unless this is prohibited by the treaty concerned;
- ☒ unless the reservation is incompatible with the object and purpose of the treaty; ✗
- ☐ unless reservations are prohibited by the treaty concerned or the reservation concerned is incompatible with the object and purpose of the treaty;
- ☐ unless the reservation meets with objections from other States parties to the treaty.

6. Human rights treaty bodies (the bodies of independent experts supervising compliance with human rights treaties concluded at universal level) claim that they can assess the acceptability of reservations made by States parties upon ratification:

- ☐ because this is a power bestowed upon them by the treaties in question;
- ☐ because objections from other States parties generally stem from political considerations rather than from a dispassionate examination of the reservation proposed by the adhering State;
- ☒ because independent experts are better equipped to identify the true object and purpose of the treaty, with which the reservation must be compatible; ✗
- ☐ because States have little interest in controlling each other by objecting to unacceptable reservations.

7. Human rights courts or expert bodies have occasionally referred to the fact that, even though the reservation a State appended to its ratification of a human rights treaty is found invalid, the State remains bound by that treaty, though the reservation will be ignored due to it being invalid. Such a position:

- ☐ is consistent with the approach generally followed in international law;
- ☒ is consistent with the specific nature of human rights treaties, which are not merely reciprocal exchanges of rights and obligations between States in their own interest, but are instituted for the benefit of the individuals under the States parties' jurisdiction; ✖
- ☐ is consistent with the nature of human rights treaties as an implementation, in treaty form, of norms that have the status of jus cogens;
- ☐ has no solid justification either in general international law or based on the specific nature of human rights treaties.

8. The development of a *jus commune* in the field of human rights, by human rights courts and expert bodies cross-referencing one another and developing a common interpretation of different human rights instruments:

- ☒ is a way to align the interpretation of human rights treaties with the evolving consensus across States; ✖
- ☐ gradually detaches the interpretation of human rights treaties from the original intention of the States who negotiated them;
- ☐ is favourable to States insofar as it contributes to legal security and the predictability of the interpretation of human rights instruments;
- ☐ none of the above.

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9. Both domestic courts and international courts or expert bodies share in the development of a *jus commune* in the field of human rights. This results in:

- ☐ the interpretation of human rights treaties responding increasingly to a "constitutional" logic, in which the international law presumption according to which States are not bound beyond the restrictions to their sovereignty they have consented loses much of its weight;
- ☐ the interpretation of rights protection under domestic constitutions is increasingly influenced by the interpretation given at international level to similarly worded provisions in international human rights treaties;
- ☐ a new logic specific to human rights developing as a hybrid between (domestic) constitutional law and (general) international law;
- ☒ all of the above. ✔

10. The development of a *jus commune* in the field of human rights:

- ☐ is facilitated by the fact that many domestic constitutions and many human rights treaties borrow from the language of the Universal Declaration of Human Rights;
- ☐ is facilitated by the fact that non-governmental organisations play an increasingly active role in proposing solutions based on comparative law;
- ☐ is facilitated by the tendency of domestic courts to apply directly international human rights law in the cases they adjudicate;
- ☒ all of the above. ✔

You have used 1 of 1 submissions



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