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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 8 (6/10 points)

1. The Members of the United Nations Human Rights Council are elected by the UN General Assembly:

- ☐ On the basis of their human rights record;
- ☐ On the basis of their willingness to cooperate with the UN human rights system;
- ☒ On the basis of their contribution to human rights and the pledges they make when presenting their candidacy; or, ✓
- ☐ On the basis of their willingness to be examined under the Universal Periodic Review (UPR).

2. The Universal Periodic Review (UPR):

- ☐ Applies the same standards to all States, without regard to the specific human rights treaties they have ratified;
- ☐ Examines whether the States going through the UPR comply with the commitments they have accepted by ratifying certain human rights treaties; or,
- ☒ Reviews all States based on certain standards that apply universally, in addition to examining whether States comply with the specific treaties they have ratified. ✓

3. The Universal Periodic Review (UPR):

- ☒ Has been complementing the monitoring by human rights treaty bodies and by the Special Procedures of the Human Rights Council, by insisting on States that they implement recommendations from these mechanisms; ✓
- ☐ Has been competing with the monitoring by human rights treaty bodies and by the Special Procedures of the Human Rights Council, by arriving sometimes at different conclusions;
- ☐ Has been assessing States based on political considerations, rather than on their human rights record.

4. When Special Rapporteurs appointed by the Human Rights Council wish to send a communication to a State, based on reliable information that human rights are at risk:

- ☐ They must wait until the victims have at least given the State an opportunity to respond to their allegations; ✗
- ☐ They must wait until the alleged victims have exhausted the domestic remedies available to them; or,
- ☐ They may act immediately, without any initiative having to be taken by the direct victims of the alleged violations. ✓

5. Special Rapporteurs of the Human Rights Council visit countries with a view to reporting to the Council:

- ☐ Only when the Government invites them to perform a visit; ✓
- ☒ When there is a situation of crisis that requires them to travel to the said country; or, ✗
- ☐ When they are interested in visiting a country with a view to collecting information useful to the preparation of their thematic reports to the Council or the General Assembly.

6. The Code of Conduct that applies to the independent experts appointed to the Special Procedures of the Human Rights Council:

- ☐ Imposes obligations both on the experts and on the States, which have a duty to cooperate; ✗
- ☐ Imposes obligations on the experts, but without any enforcement mechanism; ✓
- ☐ Imposes obligations on the experts, and compliance is enforced by a committee established for that purpose.

7. Human rights treaty bodies established under the nine "core" human rights treaties adopted at UN level may receive individual communications (provided the State concerned has agreed to this) in order to assess whether an alleged violation has taken place. However, they may only declare such communications admissible provided certain conditions are met. One of these conditions is that the same matter must not have been examined under another procedure of international investigation or settlement. Imagine now that a victim alleging a discrimination fails in her application before the European Court of Human Rights because Article 14 of the European Convention on Human Rights does not apply to discrimination in access to public transport. May that same victim then file a communication before the Human Rights Committee, relying on Article 26 of the International Covenant on Civil and Political Rights (which, in contrast to Article 14 ECHR, provides for a general and independent prohibition of discrimination)? (Please note that, under the Optional Protocol to the International Covenant on Civil and Political Rights (OP-ICCPR), the "same matter" must not "be under examination" under such procedure at the time of the communication; but in our example, the State concerned made a reservation upon accepting the OP-ICCPR, according to which the individual communication should be declared

inadmissible once the European Court of Human Rights has been seized of the same matter, even after the procedure is definitively closed before the European Court.)

- ☒ Yes, the communication of that victim to the Human Rights Committee may be found admissible: this is not the "same" matter since the legal ground on which the allegation of violation is based is different; or, ✓
- ☐ No, the European Court of Human Rights has already decided the case, and the victim cannot then file the same complaint before the Human Rights Committee.

8. Another of the conditions of admissibility of individual communications before UN human rights treaty bodies is that the victims should have exhausted the local remedies available to them. This means:

- ☐ Using whichever effective remedies are available, whether such remedies are judicial or non-judicial, including by filing claims with bodies with a purely advisory role, such as an ombudsinstitution or a national human rights institution;
- ☒ Using whichever effective remedies are available, whether such remedies are judicial or non-judicial, but not including bodies that do not have the power to order a cessation of the violation or to provide full compensation; or, ✓
- ☐ Using whichever effective judicial remedies are available, without it being imposed on victims to use non-judicial remedies.

Help

9. The decisions adopted by UN human rights treaty bodies on the basis of individual communications:

- ☐ Are equivalent to judgments, enforceable in the domestic legal order;
- ☐ Are not legally binding, and are merely recommendations addressed to the State that it may safely ignore; or,
- ☒ Have some legal weight, since the International Court of Justice has recognized that by establishing bodies of independent experts, States had agreed to trust them with the supervision of the treaty concerned. ✓

10. In the discussion of State reports,

- ☐ A dialogue takes place between non-governmental organizations and the Government's representatives, and the human rights treaty body acts to adjudicate the dispute about a State's human rights record;
- ☐ A dialogue takes place between the Government's representatives and the independent experts, which non-governmental organizations contribute to by providing information to the experts; or, ✓
- ☒ A dialogue takes place between the independent experts and non-governmental organizations, in the absence of representatives of the Government concerned. ✗

Hide Answer

You have used 2 of 2 submissions



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