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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 4 (10/10 points)

1. What is specific about the duty of the State to protect human rights, that distinguishes it from the duty to respect human rights?

- ☐ The duty to protect is relative and may be restricted, whereas the duty to respect is absolute and cannot be restricted;
- ☐ The duty to protect leads international human rights law to impose obligations directly on private (non-State) actors, whereas the duty to respect only applies to States;
- ☒ The duty to protect is an obligation of means, and not an obligation of result; ✓
- ☐ None of the above.

2. What relevance do budgetary considerations have to defining the scope of the duty to protect?

- ☐ None. Human rights trump economic considerations;
- ☐ The State may always invoke budgetary constraints to justify that the individual's rights are not protected from interference by private parties;
- ☒ The State may invoke budgetary constraints to justify that the individual's rights are not protected from interference by private parties, where it would be too costly for the State to provide full protection to the individual; ✓
- ☐ The State may invoke budgetary constraints where it is asked to provide certain services in areas such as health, education or housing, but the adoption of a regulatory framework protecting rights and effective enforcement by the public authorities should not be made dependent on budgetary considerations.

3. In cases of unexplained disappearances:

- ☐ The State is presumed to have ordered the disappearances unless it identifies the responsible authors and brings them to face trial;
- ☒ The State has a duty to independently investigate the disappearances, and shall have its responsibility engaged if the efforts done in this regard are insufficient; ✓
- ☐ The State will only be found responsible if the relatives of the "disappeared" come forward with elements that create a presumption that the State has ordered the disappearances.

4. Where an individual wishes to perform an activity dangerous for her health and even life-threatening,

- ☒ The State may intervene to protect the individual against the consequences of her own behaviour, if there are strong public policy reasons to do so ✓
- ☐ The State must respect that individual's choice unless the behaviour in question has consequences for society as a whole, in other terms, is not purely "self-regarding";
- ☐ The State is under no obligation to respect that individual's choice, and may protect the individual against the consequences of her own behaviour.

5. A company may impose restrictions on the rights of its employees:

- ☐ In all cases since, by joining the company, the employees have accepted certain limitations to their rights;
- ☐ In all cases, except where the company abuses its power by proposing to pay a higher wage, or to offer premiums, to employees agreeing to certain limitations to their rights.
- ☐ Only where the company may put forward human rights of its own, that weigh heavier in the balance than the rights of the employees;
- ☒ Provided the employees have agreed to such a restriction being imposed and the company has legitimate reasons for imposing the restriction in question. ✓

6. Where a State is accused of not having done enough to protect the rights of the individual threatened in market or family relationships,

- ☐ It may always escape liability by showing that any intervention would have led to restrict the rights of others;
- ☐ It may sometimes escape liability by showing that any intervention would have led to impose a disproportionate restriction on the rights of others;
- ☐ It will be much more difficult for the State to justify abstaining from intervening in market relationships than from intervening within the family, due to the obligation to abstain from interfering with the right to respect for private and family life;
- ☒ The second and third options above are correct. ✓

7. If a person suffering from severe depression commits suicide, and his relatives then seek to engage the responsibility of the State for violation of the right to life:

- ☒ The State will be held responsible only if the individual who committed suicide had requested support, and that support was denied although the dramatic consequences of not providing help could be predicted and it would have been possible to provide it without this leading to a disproportionate burden being imposed on the public authorities; ✓
- ☐ The State will be held responsible unless it can show that in order to prevent the suicide from occurring, it would have had to control the individual to such an extent that this would have resulted in a violation of that individual's privacy rights;
- ☐ The State may not be held responsible: only a totalitarian State could exercise such a complete control on individuals that they will not be able to end their lives;
- ☐ The State will be held responsible only if the person was under the control of the State, as is the case for prisoners held in detention facilities.

8. In situations of conflicting rights:

- ☐ The rights that are highest in the hierarchy of human rights will take priority;
- ☐ The rights that the State must respect will take precedence over the rights that the State must protect;
- ☐ A balancing of interests should be performed that calculates the costs and benefits of each right being given priority, and the most economic/affordable solution should prevail;
- ☒ No clear methodology emerges from human rights jurisprudence. ✓

9. The conduct of corporations that leads to human rights violations:

- ☐ Will never engage the responsibility of the State, since the State and the corporation are separate legal entities;
- ☐ Will only engage the responsibility of the State in a limited range of situations, for instance where the corporation was acting on the instructions of, or under the direction or control of, the State in carrying out the conduct; was empowered by the law of the State to exercise elements of the governmental authority and was acting in that capacity in the instance concerned; or if the State has acknowledged and adopted the conduct in question as its own;
- ☒ Will engage the responsibility of the State either where the conduct of the corporation is attributable to the State, or where it highlights a failure of the State to discharge its duty to protect human rights by regulating the corporation's conduct; ✓
- ☐ The second and third option above are correct.

10. Engaging the responsibility of the State (i) by attributing to the State the conduct of a private actor or (ii) by asserting a violation by the State of its duty to protect:

- ☐ Makes no real difference.
- ☒ Will lead to different approaches to finding State responsibility, with different results. ✓
- ☐ Are two alternative routes that may always be explored in any particular case: it depends on the choice of the victims which of these routes to State responsibility to take;
- ☐ The second and third option above are correct.

[Hide Answer](#)*You have used 2 of 2 submissions*

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