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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 2 (10/10 points)

1. When human rights treaties refer to the "jurisdiction" of the State as a condition for their applicability, this concept:

- ☐ refers to the State's national territory and to territories where it exercises quasi-sovereign rights, as is cases of military occupation;
- ☒ refers to all situations over which the State exercises effective control, whether or not accompanied by territorial control; ✓
- ☐ refers to the State's national territory, except for the portions of the national territory that escape its effective control;
- ☐ refers to all situations that the State may regulate in accordance with general international law.

2. Article 41, b), of the 1951 Geneva Convention on the Status of Refugees stipulates that "With respect to those articles of this Convention that come within the legislative jurisdiction of constituent States, provinces or cantons which are not, under the constitutional system of the federation, bound to take legislative action, the Federal Government shall bring such articles with a favourable recommendation to the notice of the appropriate authorities of states, provinces or cantons at the earliest possible moment". This clause should be interpreted as implying:

- ☐ that a federal State shall not be held responsible internationally for a failure to implement the Convention's prescriptions, where such implementation is the responsibility of the constituent units of the State rather than of its federal/central government;
- ☐ that a federal State shall not be held responsible internationally for a failure to implement the Convention's prescriptions, if it has deployed efforts to convince the constituent units of the State to implement the prescriptions of the Convention, even though such efforts may have failed;
- ☐ that a federal State shall be held responsible internationally for a failure to implement the Convention's prescriptions, even though such implementation is the responsibility of the constituent units of the State rather than of its federal/central government;
- ☒ that a federal State shall be held responsible internationally for a failure to implement the Convention's prescriptions, and must act with due diligence to ensure that the constituent units of the State to implement the prescriptions of the Convention. ✓

3. The case-law of human rights courts, particularly the European Court of Human Rights, suggests that the duties of States under human rights treaties:

- ☐ do not extend to the parts of their national territory over which they cannot exercise effective control;
- ☐ extend to all the national territory, which the State is presumed to control;
- ☒ extend in principle to all the national territory, though the obligations are interpreted reasonably as regards portions of the territory that escape the State's effective control; ✓
- ☐ none of the above.

4. In concluding trade or investment agreements, States parties to human rights treaties:

- ☐ are under an obligation to ensure that such agreements will not affect the enjoyment of human rights for their population;
- ☒ are under an obligation to ensure that such agreements will not affect the enjoyment of human rights either of their population or of the population of the other State with which the trade or investment agreement is concluded; ✓
- ☐ may ignore their human rights obligations, since human rights are distinct from trade commitments;
- ☐ may act on the presumption that facilitating trade and investment will spur growth and thus benefit the full realization of human rights.

5. United Nations human rights treaty bodies:

- ☐ prohibit States from seeking to regulate conduct outside their national territory, because of concerns for the sovereignty of the territorial State;
- ☐ impose on States that they control non-State actors, both individuals and corporations, by regulating their conduct wherever they operate, to the extent they can effectively influence such conduct;
- ☒ impose on States that they control non-State actors whose conduct they are in a position to influence, wherever such actors operate, unless this runs counter to the sovereignty of the territorial State; ✓
- ☐ none of the above.

6. The International Covenant on Economic, Social and Cultural Rights:

- ☒ refers to international assistance and cooperation as a means of realizing economic, social and cultural rights, but without clarifying which duties follow for industrialized countries to support developing countries; ✓
- ☐ imposes obligations on States only vis-à-vis the population situation on their national territory;
- ☐ requires that industrialized countries dedicate at least 0.7 per cent of their GDP to official development assistance;
- ☐ requires that industrialized countries progressively increase the level of their official development assistance towards developing countries.

7. Why is it useful to define the characteristics of social goods such as healthcare, housing or education, access to which are a condition of enjoyment of social rights?

- ☐ because treaties such as the International Covenant on Economic, Social and Cultural Rights are vague in this regard;
- ☐ because the poor generally have no possibility to complain if the services provided are of low quality, requiring that such quality be carefully monitored;
- ☐ because States should be made aware of the expectations they are to meet, and of their duties under international human rights law;
- ☒ all of the above. ✓

8. The possibility for States to derogate from their human rights obligations:

- ☐ allows them to ignore certain human rights for certain periods, as long as a state of emergency exists;
- ☐ allows them to suspend the enjoyment of certain rights during times of emergency;
- ☒ allows them to take measures strictly necessary to respond to a state of emergency, even though this may lead to restrict certain rights; ✓
- ☐ all of the above.

9. The "derogation clauses" allowing States to derogate from their human rights obligations under well-specified conditions during times of emergency:

- ☐ make it possible for the State to restrict all human rights;
- ☐ make it possible for the State to restrict all human rights, except those that are "absolute" and can never be restricted;
- ☒ make it possible for the State to restrict all human rights, including "absolute" rights, unless such rights are specifically defined as rights that cannot be derogated from; ✓
- ☐ none of the above.

10. The rights that are designated as "non-derogable" in human rights treaties that include a derogation clause:

- ☐ correspond to rights that have the status of *jus cogens*;
- ☐ correspond to rights the exercise of which in any case pose no threat to the ability of the State to react effectively to conflicts or public emergencies;
- ☐ correspond to rights that all States have traditionally considered paramount;
- ☒ none of the above. ✓

You have used 2 of 2 submissions



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