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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

SECTION 6 QUESTIONNAIRE (9/10 points)

1. A discrimination is:

- ☐ Any difference of treatment between two comparable situations;
- ☒ Any difference of treatment that lacks a rational justification, i.e., that either does not pursue a legitimate objective or goes beyond what is necessary for the fulfilment of that objective; or, ✓
- ☐ Any difference of treatment based on a "suspect" ground such as race, sex, religion, or sexual orientation.

2. Non-discrimination clauses found in human rights instruments:

- ☐ Apply to ensure a non-discriminatory enjoyment of the rights and freedoms that these instruments guarantee;
- ☐ Prohibit discrimination in all areas of social life; or,
- ☒ May either ensure a non-discriminatory enjoyment of the rights and freedoms that these instruments guarantee, or prohibit discrimination in all areas of social life. ✓

3. The practice of "ethnic profiling", consisting for example in screening airline passengers based on their national origin and religion in order to identify potential terrorists, is a violation of the requirement of equality before the law:

- ☒ In all cases; ✓
- ☐ Unless it is proven by the law enforcement authorities that this is the best use of the scarce resources they have to protect airlines from the risk of terrorist acts;
- ☐ Unless there is a proven correlation between ethnic and religious affiliation and the probability that a particular passenger intends to commit terrorist acts; or,
- ☐ Unless this practice of profiling is proven to have saved lives in the past, since the right to life is an absolute right that trumps other rights.

4. The prohibition of discrimination on grounds of sexual orientation:

- ☐ Does not exclude differences of treatment between opposite-sex and same-sex couples, since what is prohibited is discrimination against individuals, not against couples;
- ☒ Extends to differences of treatment between opposite-sex and same-sex couples: where such differences of treatment are imposed, this amounts to discrimination on grounds of sexual orientation; or, ✓
- ☐ Does not protect same-sex couples from the alleged discrimination that results from married couples being privileged, since it is legitimate to want to give special recognition to traditional marriage.

5. The requirement that the law should prohibit any discrimination implies:

- ☐ A duty for public authorities to take effective action against instances of private discrimination; ✓
- ☐ That the law should not impose differences of treatment between individuals based on suspect grounds;
- ☒ A duty to criminalize all acts that are constitutive of discrimination. ✗

6. Indirect discrimination is:

- ☐ Unintentional, though nevertheless prohibited;
- ☒ Either intentional or unintentional; ✓
- ☐ Intentional, as it consists in the adoption of apparently neutral measures that the authors knows shall in fact produce the same effects as direct discrimination.

7. Indirect discrimination can be defined (i) either as discrimination which occurs when an apparently neutral procedure, criterion or practice in fact *imposes a specific disadvantage* on the members of a certain group, and cannot be justified as a measure pursuing a legitimate objective by proportionate means, (ii) or as "disparate impact" discrimination that occurs when an apparently neutral procedure, criterion or practice *disproportionately affects* the members of a certain group, and cannot be justified as a measure pursuing a legitimate objective by proportionate means. Indirect discrimination defined as "disparate impact" discrimination is:

- ☐ Favourable to victims, because a range of procedures, criteria or policies that have discriminatory impacts are not suspect on their face, and can only be shown to be discriminatory once we allow the victim to reveal disparate impact by showing statistics;
- ☐ Unfavourable to victims, because it requires the potential victim to have access to statistics, which in many cases may be difficult to obtain, in order to prove discrimination; or,
- ☒ Both of the above. ✓

8. The requirement to provide reasonable accommodation is:

- ☐ Equivalent to the requirement not to commit indirect discrimination;
- ☒ Distinct from the prohibition of indirect discrimination in that it requires an individualized approach, to take into account the specific needs of the individual concerned; or, ✓
- ☐ A duty to refrain from taking general measures, including practical measures, that could result in obstacles being imposed to individuals seeking access (for instance) to employment, housing or education.

9. Under the 2006 Convention on the Rights of Persons with Disabilities (CRPD (<http://www.ohchr.org/EN/HRBodies/CRPD/Pages/ConventionRightsPersonsWithDisabilities.aspx>)), reasonable accommodation must be provided by the employer for the benefit of the employee with a disability unless:

- ☐ A cost-benefit analysis would reveal that the costs involved would be significantly higher than the benefits to the company;
- ☐ There is an objective and reasonable justification for the measure that creates an obstacle to the integration of the employee with a disability;
- ☒ The provision of reasonable accommodation would threaten the viability of the employer's business; or, ✓
- ☐ The employee with a disability could, at a much lower cost to the employer, be employed elsewhere.

10. Positive action measures (or "temporary special measures") are:

- ☒ Allowed under international human rights law, unless they result in disproportionate burdens being imposed on certain groups; ✓
- ☐ Allowed under international human rights law, in all circumstances;
- ☐ Prohibited under international human rights law, as they require relying on suspect classifications between individuals; or,
- ☐ Prohibited under international human rights law, as a form of "reverse discrimination".

Hide Answer

You have used 2 of 2 submissions



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