Introduction to Human Rights, open-book, online exam (90 minutes)

LLM in International and European Law 2019/2020

1. What are the two traditions of rights? Provide an example of how these traditions affect today’s status of individuals in the US and Europe.
2. Are human rights truly universal? Assess main limitations to the universality of human rights.
3. What is the difference between the idea of human rights and humanitarianism? Elaborate these concepts on a selected example.
4. What is the impact of various complaint mechanisms on the status of individuals in international law?
5. What is the difference in “justiciability” of civil and political rights in comparison to economic, social and cultural rights? Does it explain the reasons for the adoption of two covenants in the UN system?
6. Why did the system of human rights protection under the European Convention of Human Rights undergo reforms? Is the European Court of Human Rights a victim of its own success?
7. How do the admissibility criteria to the European Court of Human Rights work in practice? Analyze their application on a selected example of a judgment or decision on admissibility.
8. What is the standard used by the European Court of Human Rights in cases concerning state action / or inaction / resulting in human death?
9. What is the importance of the principle of separation of powers for human rights protection in a democratic regime?
10. Why is access to justice a key element of human rights protection in a democracy?
11. What is the logic of democracy and what is the logic of rights? Can they be reconciled?
12. How does the European Court of Human Rights review whether state interference into the scope of a right or freedom could be justified? Analyze the Court’s approach on a selected example.
13. When does the national law depriving prisoners of their voting rights amount to a breach of Article 3 of Protocol 1 to the European Convention of Human Rights?
14. What is the role of the US Supreme Court in protection of political rights of the minority? Has the USSC got it right in *Husted v. Rundolf Institute*?
15. What solutions could be proposed to ensure the effective exercise of voting rights by persons with disabilities in the light of the views of the UN Committee on Rights of Persons with Disabilities?
16. Can the basic human need to love be translated into a legal right? Which guarantees of human rights (or provisions regarding duties) serve the fulfillment of this need?
17. Should there be a place for social rights in a constitution?
18. Do social rights cost more than the protection of civil and political rights?
19. What does the concept of positive obligations imply in practice? Analyze the meaning of this concept on a selected example.
20. What is the importance of the right to effective legal remedies in the context of the right to adequate housing?
21. How should the right to participate in cultural life be, in your opinion, realized to meet the standards of availability, accessibility, acceptability, adaptability, or appropriateness? Please focus on one or many of the above conditions in a selected example
22. Should the authority taking a decision about rights of a cultural (religious, ethnic, indigenous) group take into account whether its members are good citizens or respect the right to exit the group?
23. Does the US Supreme Court’s decision in Wisconsin v. Yoder (1972) stand the test of time? Should it be decided differently today? If yes, why?
24. What is the value of consultation and consent requirement in cases concerning (re)settlement of traditional communities occupying public land (without a legal title)? What if the government does not reach any agreement with the community?
25. Do you agree with the position of the intervening states in [Lautsi](https://www.youtube.com/watch?v=ioyIyxM-gnM)? If yes, do you also agree that state parties to the European Convention of Human Rights can choose to prohibit or allow wearing religious symbols in public service or public spaces, or instead there should be one standard for all Member States in the Council of Europe?
26. Do you agree with the Manuel Wackenheim’s claim alleging that banning his employment violates his dignity since dignity consists in having a paid employment?
27. Do you agree that the distinction between traditional strip tease and peep show is valid to justify a denial of a trading licence?
28. What would be your response to the transplant scenario in the [trolley dilemma](https://en.wikipedia.org/wiki/Trolley_problem)?
29. Do you agree that courts should have the power to derive new rights based on the concept of human dignity when necessary? (i.e. the right to gay marriage or the right to dignified life, etc).
30. In what ways does the EU enforce the protection of human dignity as a common value (enshrined in Article 2 TUE)?
31. Should democratic and human-rights respecting states derogate from human rights obligations in the time of the COVID-pandemic, or there is no need to resort to the state of emergency responses measures?
32. Give an example of anti-COVID measures adopted by the state of your nationality or residence and critically assess its proportionality in relation to the apparent (documented) risks to public health.
33. Give an example of anti-COVID measure affecting human rights and critically assess whether it fulfills the formal requirement of an interference “provided by law”.
34. Choose one decision of the European Court of Human Rights and critically assess the way in which the Court addressed the proportionality criteria (in particular whether the domestic authorities struck a fair balance between the interest at stake).
35. Choose one decision of the European Court of Human Rights and critically assess the way in which the Court used the concept of the margin of appreciation.
36. Discuss the application of the due diligence obligation in a selected decision concerning [violence against women](https://echr.coe.int/Documents/FS_Domestic_violence_ENG.pdf) or [domestic violence](https://echr.coe.int/Documents/FS_Violence_Woman_ENG.pdf).
37. Why do laws on domestic violence work (not work) in practice? Give an example of a country of your choice.
38. Discuss state obligations under the European Convention of Human Rights regarding [human trafficking](https://echr.coe.int/Documents/FS_Trafficking_ENG.pdf).
39. What type of differences in treatment based on gender could be justified?
40. Give an example of how gender stereotypes affect policy-making or law-making in a country of your choice.