

UNIVERSITY OF SWAZILAND

FACULTY OF SOCIAL SCIENCE

DEPARTMENT OF LAW

SUPPLEMENTARY EXAMINATION PAPER: JULY 2006

TITLE OF PAPER	:	LAW OF HUMAN RIGHTS
COURSE CODE	:	L507
TIME ALLOWED	:	3 HOURS
MARKS ALLOCATED	:	100 MARKS
INSTRUCTIONS	:	ANSWER ALL <u>FIVE</u> QUESTIONS.

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QUESTION 1**ANSWER EITHER QUESTION (a) OR (b).**

- (a) Sketch the philosophical development of human rights as described by Hansungule (*The Concept of Human Rights* 1-4). Pay attention to the stages of this development, in the process emphasising the judgment of a West German court, handed down shortly after World War II, which illustrated the growing importance of human rights protection, even before the creation of international instruments for the protection of human rights. (20)
- (b) (i) Give an account of the Western idea of human rights. (10)
- (ii) Identify the special organs of the United Nations that contribute to the recognition and enforcement of human rights and briefly describe the task of each in this process. (10)

[20]**QUESTION 2**

Write an essay on the content and impact of the African Charter on Human and Peoples' Rights.

[20]**QUESTION 3****ANSWER EITHER QUESTION (a) OR (b).**

- (a) Write an essay on the effectiveness of the European Convention for the Protection of Human Rights and Fundamental Freedoms and the most important Protocols supplementing this convention. (20)
- (b) Describe and evaluate the Inter-American system for the protection of human rights. (20)

[20]**QUESTION 4**

“From this discussion, it is very clear that there is a very close relationship between human rights and the rule of law. In order for Swaziland to be seen to respect the rule of law, she has to embrace human rights in a comprehensive manner” (Gumedze “Human Rights and the Rule of Law in Swaziland” Vol 5 (2005) *African Human Rights Journal* 266 at 284). Describe in detail how Gumedze interprets the concepts of human rights and the rule of law, and how, in his opinion, a combination of the two concepts could enhance the protection of human rights in a country like Swaziland.

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QUESTION 5

Critically evaluate the quality of the Bill of Rights contained in the Swaziland Constitution, concentrating on omissions in respect of first-, as well as second-generation human rights, as pointed out in the *Report of the International Bar Association* (2003).

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