

UNIVERSITY OF SWAZILAND

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FACULTY OF SOCIAL SCIENCE

DEPARTMENT OF LAW

FINAL EXAMINATION

MAY 2011

**TITLE OF PAPER: LAW OF HUMAN RIGHTS**

**COURSE CODE: L507**

**TIME ALLOWED: THREE (3) HOURS**

- INSTRUCTIONS:**
- (a) ANSWER ANY FOUR QUESTIONS, INCLUDING QUESTION 1 WHICH IS COMPULSORY.**
  - (b) EACH QUESTION CARRIES A TOTAL OF 25 MARKS.**
  - (c) THE CONTENT OF YOUR ANSWERS, CLARITY OF EXPRESSION AND LEGIBILITY OF YOUR HANDWRITING ARE ALL EXTREMELY ESSENTIAL.**

**DO NOT OPEN THIS PAPER UNTIL SO PERMITTED BY THE INVIGILATOR.**

**Question One (Compulsory)**

The competition between the right to life and the woman's right to bodily integrity is cast into sharp focus in the regulation of abortion. Using Swaziland as a case study, critically assess these competing claims and how best to resolve them.

**(25 Marks)**

**Question Two**

From pre-colonial Swaziland to date, fundamental rights have been treated with contempt by various political leaders. In a maximum of three pages, discuss.

**(25 Marks)**

**Question Three**

The Universal Periodic Review (UPR) process is a fairly new human rights monitoring mechanism of the United Nations (UN). Swaziland is due for its first report and assessment in October 2011. Your NGO, the Rule of Law Institute is coordinating civil society efforts in Swaziland for purposes of this report. In a maximum of two pages, prepare the stakeholders' submissions to be filed with the Office of the High Commissioner for Human Rights.

**(25 Marks)**

**Question Four**

The rights to identity and culture are often misconstrued in perceived 'homogenous' societies like Swaziland. Minorities thus find themselves marginalised by social arrangements and laws and customs that focus on the majority culture or identity to the detriment of minorities. Critically assess this in the context of Swaziland.

**(25 Marks)**

**Question Five**

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Land ownership is highly a contested terrain. In Swaziland and in other neighbouring states, this social problem of land dispossession continues to prevail, notwithstanding positive constitutional provisions and protections. Discuss this problem and its attendant effects in at least three different African states.

**(25 Marks)**

**Question Six**

Write short notes on the following:

- (a) Limitation of rights **(10)**
- (b) Classification of rights. **(5)**
- (c) Constitutional litigation versus Bill of Rights litigation. **(5)**
- (d) Mootness. **(5)**