



# UNIVERSITY OF ESWATINI

SECOND SEMESTER MAIN EXAMINATION PAPER, JUNE 2020

FACULTY OF SOCIAL SCIENCES

DEPARTMENT OF LAW

COURSE CODE: L507

TITLE OF PAPER: HUMAN RIGHTS

TIME ALLOWED: 3 HOURS

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## Instructions

1. This paper consists of Section (A) and (B).
2. Section A is compulsory.
3. Answer any three questions from Section B.

Candidates may complete the front cover of their answer book when instructed by the Chief Invigilator and sign their examination attendance cards but must NOT write anything else until the start of the examination period is announced.

No electronic devices capable of storing and retrieving text, including electronic dictionaries and any form of foreign material may be used while in the examination room.

DO NOT turn examination paper over until instructed to do so.

## SECTION (A)

### Question 1 (this question is compulsory)

Nowhere before, almost the world over, has the right to personal liberty (freedom to movement) witnessed a curtailment, as during the executive authority-imposed clampdown/lockdown: itself genuinely aimed at curbing the spread of the COVID -19 (coronavirus) pandemic.

Assume that your client, with family, has just returned to the country from abroad, and been routinely tested at the entry point. Assume too, that the testing has yielded a positive for flu-like symptoms, as well as registered high temperatures, for all of them; prompting the immigration officials to prescribe that they all be quarantined, as a preventative measure and further examination, for fourteen (14) days.

Your client feels strongly against this development, arguing that his right to free movement is being violated. He has engaged you for professional advice.

Discuss, in a robust manner, what you would advise your client, on the plight of his family, in relation to their rights to free movement or personal liberty, as against the restriction by the government.

**[25 marks]**

## SECTION (B)

### Question 2

The Universal Declaration for Human Rights (UDHR) has been hailed as the *fons et origo* (the fountain-head, from which all else flows) of International Human Rights.

Discuss what the nature and importance of this document, as well as its defining character in the field of human rights.

[25 marks]

### Question 3

Given the endless debate, between supporters of the universalization of human rights (the human rights universalists), and those of the cultural relativism position, (the cultural relativists) discuss, in the context of Eswatini, what in your view is a decisive pointer to the position it (Eswatini) should take, which is consonant with the Constitution of 2005?

[25 marks]

### Question 4

Write a concise explanatory note on the following:

- |   |            |
|---|------------|
| a) Inalienability of human rights.                      | [5 marks]  |
| b) Interrelatedness/interconnectedness of human rights. | [5 marks]  |
| c) Indivisibility of human rights.                      | [5 marks]  |
| d) International Bill of Rights.                        | [10 marks] |

[Total marks: 25]

### **Question 5**

- a) By way of a discussion, and relating it to Eswatini, explain what the First Optional Protocol to the International Covenant on Civil and Political Rights is, and what it is aimed at.

**[12.5 marks]**

- b) By way of a discussion, and relating it to Eswatini, explain what the Second Optional Protocol to the International Covenant on Civil and Political Rights is, and what it is aimed at.

**[12.5 marks]**

**[Total marks: 25]**