

UGANDA MARTYRS UNIVERSITY
NKOZI

UNIVERSITY EXAMINATION
DECEMBER 2022

FACULTY OF LAW

BACHELOR OF LAWS (LLB) YEAR 3 END OF SEMESTER 1 FINAL ASSESSMENT
ACADEMIC YEAR 2022/2023

INTERNATIONAL & REGIONAL HUMAN RIGHTS LAW (LLB 3107)

DATE: Wednesday 14th December, 2022

TIME: 2:00 PM– 5: 30 PM

DURATION: 3 & 1/2 HRS

Instructions:

1. This is a **PARTIALLY OPEN BOOK** exam. Only **clean International & Regional human rights treaties, conventions, declarations** are allowed in the exam room.
2. Carefully read through ALL the questions before attempting. All questions carry equal marks.
3. Question 1 is **COMPULSORY**. 3 questions must be answered from the remaining questions. A total of four questions should be answered in all.
4. No **names** should be written anywhere on the examination book.
5. Ensure that your **Registration number** is indicated on all pages of the examination answer booklet.
6. Any type of examination Malpractice will lead to automatic disqualification
7. Ensure your work is **clear** and **readable**. Untidy work shall be penalised.
8. Use the exam answer booklet for all your rough work.

QUESTION 1: COMPULSORY (25 marks)

In 2016, shortly after the State of Zootopia in North Africa discovered vast oil deposits, armed rebellions broke out in various parts of the country. To make matters worse, the country has come under sustained armed attacks from the Galactic Empire their neighbours to the South who they believe are out to grab some of the oil fields. The country is becoming ungovernable and the government is considering implementing several drastic measures including:

- i) Enacting a decree banning a long list of newspapers believed to be spreading harmful propaganda and those critical of the government.
- ii) Possibility of using torture in interrogations ONLY of suspected spies and self-proclaimed terrorists.
- iii) Summary execution of deserting soldiers to deter further desertions and cowardice.
- iv) Enacting a decree banning the operation of private health care facilities and instructing all Zootopians to seek health care from the dilapidated government hospitals only.
- v) Pass a decree permitting the State to recruit children in its armed forces, the Zootopia Peoples' Forces.
- vi) Possibility of sentencing to death all capital offenders in Zootopia.

Zootopia is party to most of the international human rights treaties and those at the African Union level including but not limited to: the International Covenant on Civil and Political Rights (ICCPR) and its optional protocols, the International Covenant on Economic, Social and Cultural Rights (ICESCR), the African Charter on Human and Peoples' Rights (ACHPR), the United Nations Convention on the Rights of the Child (CRC), the African Charter on the Rights and Welfare of the Child (ACRWC).

As an international and regional human rights expert, please advise them on each of the proposed measures in light of their international and regional human rights obligations.

QUESTION 2

With the aid of relevant authorities, explain the following concepts as understood in international human rights law:

- a) The Advisory and Contentious jurisdiction of the European Court of Human Rights (10 marks)
- b) Principle of subsidiarity (5 marks)
- c) The Margin of Appreciation (5 marks)
- d) The progressive realisation of Economic, Social and Cultural Rights (5 marks)

QUESTION 3

Describe the treaty-based mechanisms in the enforcement of rights in the International Human Rights System.

QUESTION 4

What are the salient differences between the European and African Human Rights Systems?

QUESTION 5

Analyse the right to health as enshrined in the International and Regional Human Rights Treaties.

QUESTION 6

Discuss the charter based mechanisms in the International Human Rights System.

WISHING YOU SUCCESS