

MASTER COPY



The University of the South Pacific
Emalus Campus

Examinations
Semester II – 2006

SCHOOL OF LAW

COURSE NAME: Advanced Special Topic 2: International Human Rights Law

COURSE NUMBER: LA428

TIME ALLOWED: Three (3) Hours

READING TIME: Ten (10) Minutes

NUMBER OF PAGES: ~~Three (3)~~ *Two (2)*

NUMBER OF QUESTIONS ON PAPER: Five (5)

NUMBER OF QUESTIONS TO BE ANSWERED: Three (3)

MARK ALLOCATED FOR EACH QUESTION: Twenty Marks

TOTAL MARKS FOR THIS EXAMINATION: Sixty percent of Total Grade

MATERIALS PERMITTED IN EXAMINATION ROOM: None.

SPECIAL INSTRUCTIONS

1. There is **no compulsory question** in this examination. You are free to / choose ANY ~~four~~ ^{two} out of ~~six~~ ^{five}. They carry equal value. *Answer 3 out of 5.*
2. Where there are sub-parts to any question, please answer all the sub-parts, except where otherwise stated.
3. Do not bother to write the questions on your answer script. It wastes your time.
4. Do not open the next page of this question paper until you are told to do so.
5. Do not attempt to take this question paper out of the examination room.
6. This is a law examination. **Support your answers with legal principles and resources** relating to this subject. Extraneous references are not helpful here.
7. Be calm. **Take note of the operative words in your questions.** Let your mind focus on how best to respond to the questions of your choice. Best wishes!

QUESTIONS START ON THE NEXT PAGE.

Approved
M. M. M.
19/1/06

QUESTION ONE (TWENTY MARKS)

- (a) Discuss the evolution and desirability of regional human rights systems. **Five Marks.**
- (b) From the experiences of existing regional human rights systems around the world, what would be their strengths and weaknesses that should inform the establishment and operations of a regional human rights system for the Pacific? Suggest a framework of the normative standards and institutional mechanisms for this new regional human rights system. **Fifteen Marks.**

QUESTION TWO (TWENTY MARKS)

- (a) Define and explain the term “Cultural Relativism”. **Five Marks.**
- (b) To what extent is “Cultural Relativism” an impediment to the realisation of human rights in the South Pacific? Draw on experiences and inferences from **ONE** USP or South Pacific country. **Fifteen Marks.**

QUESTION THREE (TWENTY MARKS)

- (a) Evaluate the institutional mechanisms put in place for the protection and enforcement of the Bill of Rights in the Constitution of your home country. **Ten Marks.**
- (b) What are the obstacles to an effective culture of human rights in your home country? Focussing on states and non-state actors, present a pragmatic proposal on strengthening the efficacy of human rights in that country. **Ten Marks.**

QUESTION FOUR (TWENTY MARKS)

Evaluate the significance of **ANY TWO** of the following for human rights promotion and protection in the modern world:

- (a) The International Bill of Human Rights. **Ten Marks.**
- (b) The French Declaration of the Rights of Man and Citizen. **Ten Marks.**
- (c) The Charter-Based Mechanisms of the UN human rights system. **Ten Marks.**

QUESTION FIVE (TWENTY MARKS)

- (a) Describe “the Paris Principles.” Assess the importance of these principles to the effective implementation of human rights at the national level. **Ten Marks.**
- (b) In analytical detail, evaluate the terms of the establishment, powers and functions, composition, appointment, and operations of a national human rights institution of a state in the South Pacific, highlighting how this institution compares to the international standards relating to those terms. **Ten Marks.**

THE END.