

**NATIONAL UNIVERSITY OF LESOTHO**

**FACULTY OF LAW**

**LL.B – SPECIAL EXAMINATIONS**

**L 4303 – INTERNATIONAL HUMAN RIGHTS LAW**

**AUGUST 2023**

**MARKS: 100**

**TIME: 3 HOURS**

---

**INSTRUCTIONS:**

1. There are six (6) questions.
2. Answer any **FOUR (4)** questions
3. Write legibly and
4. Support your answers with relevant authorities

### **QUESTION 1**

Discuss five fundamental principles of human rights. Provide examples to illustrate how these principles contribute to the protection and well-being of all people in Lesotho. **[25 Marks]**

### **QUESTION 2**

The Kingdom of Lesotho is contemplating ratification of the Protocol to the African Charter on the Rights of Persons with Disabilities in Africa (African Disability Protocol). You have been requested to provide your opinion on the following:

- a) Discuss the key objectives of the African Disability Protocol.

**10 Marks**

- b) Compare and contrast the African Disability Protocol with the UN Convention on the Rights of Persons with Disabilities (CRPD).

**15 Marks**

**[25 MARKS]**

### **QUESTION 3**

The Republic of Basotho has ratified the UN Convention Against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment (CAT). Over the past months, the Republic has been criticised for instances of torture and ill-treatment by its law enforcement agencies. The Republic does not have a specific law which prohibits torture and the current Penal Code Act, 2010 does not have any provisions on torture.

- a) Discuss key measures that the Republic must take in order to align its legal framework with CAT.

**10 Marks**

- b) Assuming that the legal framework and the cultural context of the Republic are similar to those of the Kingdom of Lesotho, discuss the challenges of domestication of CAT into their national laws. Illustrate with examples.

**15 Marks**

**[25 MARKS]**

#### **QUESTION 4**

Some scholars have expressed sentiments that, amongst factors which impede protection of human rights in Lesotho are:

- a) Domestic laws and policies which are not aligned with human rights
- b) Ineffective institutional mechanisms
- c) Reluctance of Courts to order remedies against the executive

- d) Lack of Judicial independence
- e) Lack of policies that encourage reporting of human rights violations by law enforcement officers.

With reference to relevant examples and case law, critically analyse these sentiments.

**[25 MARKS]**

### **QUESTION 5**

According to the Afro barometer, from January to July 2022, the Child and Gender Protection Unit (CGPU), recorded 184 cases of sexual offences, 84 cases of assault perpetrated against women. It is noted further that 47% of women murdered in Lesotho were killed by their intimate partners. Lesotho is a member of the African Union and a party to the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol).

- a) Discuss how the Maputo Protocol addresses issues of violence against women; **10 Marks**
- b) Discuss the extent to which Lesotho has implemented the Protocol and what more needs to be done, if any. **15 Marks**

**[25 MARKS]**

### **QUESTION 6**

Thandi is a sixteen-year-old girl of City Mafefs in the district of Romanai, a poor and hard-to-reach area. She walks a very long distance from school every day. One Friday after writing last but one of her examinations, she walked home as usual. She met a group of men and before she could identify them, one grabbed her and told her she is now going to be a real woman. She screamed but no one could hear her as the men were surrounding the one who had put her on his shoulder and singing very loudly. On the way, they took turns to rape her. When it got dark, they took her to a hut in a nearby village. She was received by an old lady who gave her bath water and change clothes. The following morning, she was woken very early and told that she is now married and was going to be introduced to her husband. She was dressed in a long dress, headscarf and a blanket and taken outside where the entire village was drinking and dancing in jubilation. She was taken to an old and frail 76-year-old chief of that village and told that she was his wife and therefore expected to take care of him and to bear children for the family.

a) Lesotho is a party to various global and regional human rights instruments which prohibit child marriages; discuss relevant provisions of such instruments; **10 Marks**

b) Analyse Thandi's situation and discuss her rights which have been violated.

**15 Marks**

**[25 MARKS]**