DURATION: 2 HOURS
TOTAL MARKS: 50

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INSTRUCTIONS

1. Students are requested in their own interests to write legibly.
2. Answer ONE question from each section, TWO questions in total.
3. This paper consists of TWO (2) pages. Please see that you have them all.

SECTION A

Answer any ONE (1) question.

Question 1

Discuss the protection of socio-economic rights in South Africa, in the context of access to justice. Make reference to appropriate case law in your answer.

[Total Q 1: 25 marks]

OR

Question 2

What means can be used to deal with human rights abuses by corporations?

[Total Q 2: 25 marks]

[TOTAL SECTION A: 25 MARKS]
SECTION B

Answer any ONE (1) question.

Question 3

Sipho Dlamini, who is HIV-positive, was arrested last week on charges of attempted theft of a motor vehicle. He was granted R2000-00 bail, but he was unable to pay it. He is adamant that the police had mistaken him for his neighbour, Sipho Zuma, whom he knows for a fact is engaged in suspicious illegal activities. Whilst in the cells, he was informed by prisoners that he does not need to worry, as section 35 of the Constitution guarantees him certain rights as a detained prisoner. He is also informed that he will be provided with appropriate medication for AIDS by the Department of Correctional Services.

Advise him on what rights he has as an awaiting trial-prisoner, and what practical challenges he can expect in exercising those rights. Refer to relevant case law.

[Total Q 3: 25 marks]

OR

Question 4

George Huisman was dismissed by his employer without a reason. He is angry and feels aggrieved by the employer’s decision. He has been employed for over 15 years and strongly believes that the employer should pay for treating him so badly. He has been informed by his union that he can refer a matter to the CCMA and it will be resolved in a very short period of time. He is also told he does not need a lawyer to assist him. George seeks advice on whether the union is correct, because he has secured new employment and does not want to waste time or money if he cannot get a guarantee that the matter will be dealt with expeditiously. Give full advice, with reference to case law.

[Total Q 4: 25 marks]

[TOTAL SECTION B: 25 MARKS]

TOTAL FOR PAPER: 50 MARKS