INSTRUCTIONS

1. Students are requested, in their own interests, to write legibly.
2. This paper consists of THREE (3) pages. Please make sure you have them all.
3. Answer ONE question from each section, TWO questions in total.
SECTION A - MS V. BALOGUN

(Please answer this section in a separate answer booklet)

ANSWER EITHER QUESTION 1 OR 2 FROM THIS SECTION

QUESTION 1

The Special Rapporteur on extreme poverty and human rights once analysed the obstacles to access to justice for the poor and concluded that access to justice is a ‘fundamental right in itself and essential for the protection and promotion of all other civil, cultural, economic, political and social rights’.

In the light of the comment above, discuss how affordable, accessible and effective access to justice services and assistance can be provided to marginalised persons living in poverty in South Africa.

In your answer, comment on how the poor are denied the opportunity to claim their rights or challenge abuses or human rights violations committed against them, and how these problems can be addressed by tackling a range of legal and extra-legal problems facing the poor and their communities in South Africa.

[TOTAL Q1: 35 MARKS]

OR

QUESTION 2

Can the South African government deport a refugee? In your response, briefly discuss how an individual is assessed in order to qualify for protection from the port of entry until the application process is finalised by the Department of Home Affairs.

Make full use of relevant authority in your answer.

[TOTAL Q2: 35 MARKS]

[TOTAL FOR SECTION A: 25 MARKS]
SECTION B - PROF SV HOCTOR

(Please answer this section in a separate answer booklet)

ANSWER EITHER QUESTION 3 OR 4 FROM THIS SECTION

QUESTION 3
Write an essay on the correctional system in South Africa, in which you explain the challenges of ensuring access to justice for remand prisoners and sentenced offenders. Refer to decided case law where appropriate.

[TOTAL Q1: 35 MARKS]

OR

QUESTION 4
How have socio-economic rights been interpreted by South African courts? Answer this question with particular reference to the right to housing.

[TOTAL Q2: 35 MARKS]

[TOTAL SECTION B: 35 MARKS]

[TOTAL FOR PAPER: 70 MARKS]