



KENYATTA UNIVERSITY

UNIVERSITY EXAMINATIONS 2017/2018

SECOND SEMESTER EXAMINATION FOR THE DEGREE OF BACHELOR OF LAWS

LPL 216: HUMAN RIGHTS LAW

DATE: Thursday 14th June 2018

TIME: 12.00 p.m. – 2.00 p.m.

INSTRUCTIONS:

1. All questions are compulsory
2. Support your answer with illustrations from relevant case law, statutory provisions and any other applicable references
3. Write neatly and legibly
4. Your answer script must bear your student registration number
5. Do not scribble or draft answers on the inner or outer cover pages or your answer booklets
6. Do not write anything except your registration number on this question paper

QUESTION ONE

Mr. Morgan Mukolwe, the Principal Secretary in the Ministry of Tourism is a vocal Government critic especially in regard to abuse of human rights and fundamental freedoms. Mr. Morgan has been threatened severally by the police and ordered to desist from criticizing the Government. At one time he was summoned by the Cabinet Secretary in charge of Tourism and ordered to withdraw his membership from Kikuud Human Rights Organisation warning him that failure to do so will cause him to face severe consequences. However, Mr. Morgan did not yield to the threats.

Three months later, Kikuud Human Rights Organisation organized a successful convention aimed at sensitizing the people of Kenya on their rights and fundamental freedoms. The said convention was chaired by Mr. Morgan. Two days later he was arrested together with other five members of the Organisation who attended the convention. They were detained for five days during which they were starved, threatened with physical harm, subject to police interrogation and meant to stand for a long period while handcuffed.

As a human rights lawyer, advice Mr. Morgan on the way forward in his quest for justice.

(30 marks)

QUESTION TWO

"Both freedom and bread are necessary for the all-round human being. Instead of undermining each other, they are interrelated and interdependent." -A.Sachs, The Judicial Enforcement of Socio-economic Rights.'

Political and Socio-economic rights have been treated differently in law despite the above argument.

In this context, explain how and why, historically, rights have been treated differently.

(20 marks)

QUESTION THREE

The language of human rights has acquired great potency and resonance. Human rights law plays an ever-greater role in national legal systems, and states are now expected to respect an ever-growing range of basic-rights, Kenya included. However, there is a growing backlash against the apparently ever-expanding scope of human rights guarantees.

In light of the above statement, do you think the concept of human rights in Kenya has been stretched too far.

(20 marks)