



Riara School of International Relations & Diplomacy
SEPTEMBER - DECEMBER 2019 TRISEMESTER
RIR 208: INTERNATIONAL HUMAN RIGHTS LAW

DATE: 19TH DECEMBER 2019

TIME: 2 HOURS

GENERAL INSTRUCTIONS:

Students are NOT permitted to write on the examination paper during reading time.

This is a closed book examination. Text book/Reference books/notes are not permitted.

SPECIAL INSTRUCTIONS:

- 1 Write your REGISTRATION NO. Clearly on the answer booklet(s).**
- 2 Answer Question One and ANY other TWO questions.**
- 3 Questions in all sections should be answered in answer booklet(s).**
- 4 Marks allocated to each question are shown at the end of the question.**
- 5 PLEASE start the answer to EACH question on a NEW PAGE.**
- 6 For the questions, write the number of the question on the answer booklet(s) in the order you answered them.**
- 7 Write your answers in paragraph form unless stated otherwise.**
- 8 Keep your phone(s) SWITCHED OFF at the front of the examination room.**
- 9 Keep ALL bags and caps at the front of the examination room and do not refer to any unauthorized material before or during the course of the examination.**
- 10 You are only allowed to leave the examination room 30minutes to the end of the Examination.**

SECTION A: QUESTION ONE COMPULSORY (30 MARKS)

QUESTION ONE

- a) Your sister who has been living in Europe while pursuing her doctoral studies has just returned home for the Christmas holidays. She is aware that you have been studying human rights law this semester and she therefore invites you to a debate on certain African practices such as female genital mutilation, forced marriages, treatment of widows, child marriages etc. She strongly believes that those practices are extremely harmful and amount to violation of human rights. On the other hand, you also hold the view that some of those practices are good because they uphold and preserve the African heritage. Now, you have the big task of demonstrating to your sister that you understand the debate on universalism versus cultural relativism. Discuss. **(20 Marks)**
- b) Discuss any five elements/ characteristics of human rights **(10 Marks)**

SECTION B: ANSWER ANY TWO QUESTIONS (40 MARKS)

QUESTION TWO

Your friend Miss Rafiki Mzuri runs a human rights organization in Nairobi. So far, she has been receiving several complaints from victims of human rights violations. She therefore intends to start instituting cases in court to avert future violations of human rights. However, she does not know whether instituting court cases is the best approach to address those violations. She therefore visits your offices seeking advice on what types of remedies/ reliefs that the courts give whenever claims of human rights violations are filed. You are therefore required to discuss any five remedies available to human rights law. **(20 Marks)**

QUESTION THREE

Children are a vulnerable group and therefore they need protection globally. Using appropriate examples (and where applicable case law) discuss the four core principles under the Convention on the Rights of the Child, 1989 as adopted by the Kenyan Children's Act of 2001. **(20 Marks)**

QUESTION FOUR

- a) Using appropriate examples, discuss the concepts of the progressive realization of human rights **(10 Marks)**
- b) Using appropriate examples, discuss the concept of the minimum core obligation of socio economic rights. **(10 Marks)**

QUESTION FOUR

- a) Using appropriate examples, discuss the levels of protection of human rights

(10 Marks)

- b) Discuss the major classifications of human rights and explain whether there is need to continue classifying human rights as such in the 21st century. **(10 Marks)**

QUESTION FIVE

The International Human Rights system imposes certain obligations on states in their relations with their citizens and other subjects. Identify and critically analyse, whilst giving examples in appropriate cases, the nature of human rights obligations of states. **(20 Marks)**