Can you imagine a world where you do not have any right? What kind of environment would it be? To put it in another way, why should you be accorded any right? Which rights do you consider fundamental? Who are the duty bearers? To whom do they owe a duty? What remedies can you seek if a duty bearer fails to discharge its legal obligation? This course seeks to respond to these key questions. It looks at the protection of human rights at the universal and domestic levels.

Owing to time considerations, this course can not cover all the human rights. Rather, it will consider a number of important contemporary issues. The course will first seek to answer the following question: are human rights universal? It will then examine the right of access to information—a fundamental right, but which has not been given sufficient attention. Rights of vulnerable persons, including refugees as well as those who have been internally displaced and those who are stateless, will be evaluated. The course will then examine issues surrounding the role the Judiciary plays in the electoral process. To conclude we will examine the different fora for enforcing human rights violations.

At the end of this course it is expected that you will be able to appreciate theoretical perspectives of the idea of human rights as well as apply the principles learnt to practical circumstances. Upon successful completion of this course you should also be conscious of the idea of justice. This course aims at giving you a solid grasp of understanding of international human rights law and the various modes of enforcement. Further this course also aims at improving your research, analytical, communication and problem-solving skills. Thus, the course will take a seminar-based approach.

Regular seminar attendance is mandatory. The Socratic Method will be used to run this course. You must prepare for each seminar in advance by reviewing all the readings in this outline. Although voluntary participation is encouraged, I reserve the right to call upon you at random. The materials that are contained in this outline are not exhaustive. Thus, you will be expected to research widely in order to widen your scope of understanding of issues as well as enrich seminar discussions.

There will be one Continuous Assessment Test (30 marks) and an end of semester examination (70 marks). Both will be open-book. You will be allowed to carry into the exam room any material that you believe will be of use. To achieve a pass in this course you must obtain at least 40 marks. It is in your interest, however, to attain the highest mark possible. The dates and times of each test will be communicated in advance.

An ‘A’ paper:
1. Is creative in terms of how it approaches the issue;
2. Is sufficiently supported by citing to primary and secondary sources;
3. Is well written in terms of grammar and punctuation;
4. Demonstrates evidence of deep research;
5. Identifies the disposable issues and applies them to the fact pattern; and
6. Has superior analysis.

I operate an open-door policy. Feel free to come to my office at the Commercial Law Department if you have any concern relating to this course.

Seminar One: Are Human Rights Universal?


Seminar Two: Towards a Transparent Society-The Right of Access to Information


The President of the Republic of South Africa v M & G Media, (570/10) [2010] Supreme Court of Appeal of South Africa 177 (14 December 2010) Nugent, van Heerden, Maya, Cachalia JJA and Bertelsmann AJA (available online); John Oyoo v Zadock Syongo [2005] eKLR (available online).


Seminar Three: Determining Refugee Applications-Due Process Considerations


Robert Nobel, Refugee Determination in the Third World (September 1985).

Seminar Four: Internally Displaced Persons


Seminar Five: Protection of Stateless Persons—A Daunting Task?

UNHCR, UNHCR Action to Address Statelessness: A Strategy Note (2010) (available online).


Seminar Six: Realizing Socio-Economic Entitlements—Challenges and Prospects
Susan Kariuki and Others v The Town Clerk, Nairobi City Council [2011] eKLR.
Soobramoney v Minister of Health (1998) 1 SA 765.

Seminar Seven: Continuous Assessment Test

Seminar Eight: The Judiciary and the Electoral Process

Human Rights Watch, “‘Our Hands are Tied”: Erosion of the Rule of Law Zimbabwe’ (available online).

Seminar Nine: Enforcing Human Rights-Various Models

- Wachira Weheire v AG [2010] eKLR.
- Salim Chivui v The AG Petition No. 256 of 2011 (Majanja J) (available online).