



THE KENYA SCHOOL OF LAW
PARALEGAL TRAINING PROGRAMME
(ACADEMIC YEAR 2022- 2023)

COURSE OUTLINE PTP 206: INTRODUCTION TO HUMAN RIGHTS

COURSE INSTRUCTOR:

Ms. Anastasia Otieno

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INSTRUCTION HOURS:

Wednesday

CONSULTATION:

On Appointment

A. INTRODUCTION

This course introduces the student to human rights law. It introduces the student to international, regional and domestic human rights. It also gives the perspectives of human rights and their relationship to governance. It introduces the student to the mechanisms of monitoring human rights at the domestic, regional and international levels. The course further introduces the Kenyan framework for implementation of the human rights laws.

Purpose of the course: To introduce the student to human rights laws.

Expected learning outcomes of the course:

By the end of this course, the students should be able to

1. Define human rights
2. Classify human rights
3. Identify the human rights instruments
4. Explain the processes of implementation of human rights
5. Explain the process of rectification of treaties

Contact Hours: 30

Course Assessment

Continuous Assessment Test	30%
Written examinations	70%

Core Reading Materials

1. Kibwana K & Mute L, Law and Quest for Gender Equality (Claripress Ltd 2000)
2. Mbodenyi M. K & John Osogo Ambani, The New Constitutional Law of Kenya: Principles, Government and Human Rights (LawAfrica,2014)

Recommended reading Materials

1. Kibwana K, Law and the Status of Women in Kenya (Claripress Ltd 1996)
2. Kibwana K, Law and the Status of Women in Kenya (Claripress Ltd 1996)
3. 2. Buergental T, International Human Rights (2nd edn, West Publishing Co. 1995)
4. Mbodenyi M. K, International human rights and their enforcement in Africa (LawAfrica 2011)
5. 4. Shelton D, Regional Protection of Human Rights (1st Edition, Oxford School Press 2008)
6. 5. Clement J. Mashamba, Litigating Human Rights in African Institutions :Law, Procedure & Practise (LawAfrica 2002)

Statutes/ laws

1. Constitution of Kenya 2010
2. Universal Declaration of Human Rights
3. Access to Information Act
4. Fair Administration Act 2015
5. Health Act 2017
6. Basic Education Act
7. Children's Act 2022

B. COURSE CONTENT

1. Definition of human rights

- **Introduction**

- i) What are rights?

- ii) What are human rights
- iii) Nature of Human rights

3. Origin of Human rights

- Historical Background
 - i) Evolution of human rights
 - ii) The Movements

4. Characteristic of Human rights

8. Classification of Human rights

- i) Natural right
- ii) Moral rights
- iii) Fundamental rights
- iv) Legal right
- v) Civil and political rights
- vi) Economic, Social and Cultural rights
- vii) Group and collective rights
- viii) The three generations of rights

9. Universal Declaration of Human Rights

10. Domestic (In Country) Human rights Laws and policies

- The responsibility of the state to protect human rights
 - i. Constitution
 - ii. Limitations of rights and fundamental freedoms in the constitution
 - iii. Fundamental right that may not be limited
 - iv. Other domestic laws dealing with human rights in Kenya
 - 1. Land Act
 - 2. Environmental Management and Coordination Act
 - 3. Access to information Act
- **Steps to be taken when decisions are likely to adversely affect a person**
 - i. Fair Administrative Act
 - ii. Health Act
 - iii. Basic Education Act
 - iv. Rights under the Children's Act
- **Policies dealing with Human rights**
 - i. National Education Sector Strategic Plan

- ii. National Adolescent Sexual and Reproductive Health Policy
- iii. Environmental Policy

11. Commissions and institutions and mechanisms that deal with human rights in Kenya

- Kenya National Human Rights Commission
 - Functions
- National Gender and Equality Commission
 - Guiding principles
 - Functions
- Commission on Administrative Justice
 - Functions
- Office of the Director of Public Prosecutions (ODPP)
- The Judiciary
- Police
- Office of the Ombudsman

12. The role of civil societies in promoting human rights

13. Human rights and remedies

- Reparation and restitution to victims

14. Instruments, treaties and conventions ratified by Kenya

- What is ratification
- Treaty
- Protocol
- International treaty formation Process
 - Signatures
 - Ratification
 - Accession

15. Some international Laws ratified by Kenya

- Universal Declaration of Human Rights UDHR
- International Convention on Civil and Political Rights (ICCPR)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- Convention on Elimination of All forms of Discrimination Against Women (CEDEW)
- Convention on the Rights Children's (CRC) Convention against torture and other cruel, inhuman or degrading treatment or punishment

16. Regional human rights

- The African Charter on Human and Peoples Rights (AU Charter)
 - General rights
 - Peoples rights
 - Duties

17. Kenyan Framework for enforcement of human rights

a. Definitions

- i. Treaties
 - ii. Conventions
- Human rights obligations by the government
 - Treaty Making and Ratification Act (no.45 of 2021)
 - v. Treaty initiation responsibility
 - vi. Process
 1. Consideration for initiation
 2. Ratification
 3. Contents of memorandum

18. Implementation of treaties

- Courts
- Reporting to the UN

19. Restrictions and limitations that interfere with implementation of human rights

- b. Challenges
- c. Gains

Approved by:

Mr. Mark Mukuha
Co-ordinator, PTP

Sign: 

Date: 17/01/2023

Approved by:

Dr. Henry K. Mutai
Director/CEO

Sign: 

Date: 19/1/23

