



PAN AFRICA CHRISTIAN UNIVERSITY

SCHOOL OF HUMANITIES AND SOCIAL SCIENCES

**END-OF-SEMESTER EXAMINATION FOR THE DEGREE OF
BACHELOR OF ARTS IN COMMUNITY DEVELOPMENT**

MAY -AUGUST 2024

CAMPUS: ROYSAMBU

DEPARTMENT: COMMUNITY DEVELOPMENT

COURSE CODE: BCSL 419

**COURSE TITLE: GOVERNANCE & LEADERSHIP IN HUMAN
RIGHTS MAY AUGUST 2024**

EXAM DATE: MONDAY 29th JULY 2024

DURATION: 3 HOURS

TIME: 5.00 PM-8:00 PM

INSTRUCTIONS

- Read the instructions and questions carefully before you write the answers.
- **Answer any TWO questions**
- *ALL PAC University's examination rules and regulations apply*

Question One

- a) With justification, evaluate any four critical leaders (other than Presidents) in Kenyan constitutional history and their role in advancing human rights (8 Marks).
- b) Detail the process through which an arrested person changes status to an accused person (6 Marks).
- c) The Courts as agencies of criminal justice systems are meant to be administering justice fairly. With justifications, give any three critiques of the court structure in Kenya (6 Marks).

Question Two

- a) There were allegations of human rights abuses during the GenZ protest in June 2024. As the newly appointed Human Rights Commissioner, you must address this issue. Detail your three (3) immediate and two (2) long-term response strategies you would adopt to address their concerns and ensure justice and accountability (10 Marks).
- b) During a national crisis arising from the anti-finance bill protests it emerged that the Genz were *leaderless, partyless, and tribeless*, discuss the five (5) qualities of leadership that were demonstrated by the GenZ. Provide global examples from past crises to support your answer (10 Marks).

Question Three

- a) There has been an outcry arising from significant gender disparities in education and employment. The President recently dismissed all the Ministers including the Minister for Education. You were allowed to be the Minister for Gender Equality. As the Minister, you need to launch a national initiative to address these disparities and propose a detailed plan to improve gender equality in education and employment. Evaluate any five policies you would implement, and suggest ways to measure their effectiveness (10 Marks).

- b) As a law enforcement officer assigned a duty to confront the general public during unrest, you encounter a situation where following orders may lead to human rights violations. Discuss any five steps you would take to ensure compliance with human rights standards while maintaining your professional responsibilities (10 Marks).

THE END



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SEPT - DEC 2024

CAMPUS: ROYSAMBU

DEPARTMENT: COMMUNITY DEVELOPMENT

COURSE CODE: BCSL 419

**COURSE TITLE: GOVERNANCE & LEADERSHIP IN HUMAN
RIGHTS SEPT -DEC 2024**

EXAM DATE: TBA

DURATION: 3 HOURS

TIME: 5.00 PM-8:00 PM

INSTRUCTIONS

- Read the instructions and questions carefully before you write the answers.
- **Answer any TWO questions**
- *ALL PAC University's examination rules and regulations apply*

Question One

- a) Examine five ways in which human rights are interpreted within the criminal justice framework in Kenya. (10 Marks)
- b) Drawing lessons from the history of protests in Kenya and relevant literature, assess the role of constitutional courts in interpreting and enforcing human rights. (4 Marks)
- c) Evaluate three challenges faced by vulnerable populations and the effectiveness of the limitation clause in balancing individual rights with states national interests. (6 Marks)

Question Two

- a) Critically analyze the balance between law enforcement practices such as arrest, detention, use of force, search and seizure, and the right to a fair trial in Kenya and evaluate how these practices affect the rights of individuals in the criminal justice process. **(10 Marks).**
- b) There is an apprehension that there will be human rights abuses during the planned protest in December 2024. As the newly appointed Human Rights Director, you must address this issue. Detail your three (3) immediate and two (2) long-term response strategies you would adopt to address their concerns and ensure justice and accountability **(10 Marks).**

Question Three

- c) Globalization has transformed the governance and human rights landscape. Drawing on Nelken's (2011) *Comparative Criminal Justice and Globalization* and Kornegay's (2020) *Africa and the World*, discuss any three ethical and two professional implications globalization poses for the criminal justice system in Africa. In your answer address how

states can uphold human rights standards while navigating global governance pressures. (10 Marks).

- d) Considering the socio-economic and political impacts of conflict on development in Africa, analyze any three (3) ways in which conflict shapes governance structures and human security (6 Marks)
- e) Evaluate Kenya's governance structures and human security can impede access to justice and human rights within the criminal justice system. (4 Marks).

THE END

MARKING GUIDE

Question One

- a) Examine five ways in which human rights are interpreted within the criminal justice framework in Kenya. (10 Marks)**

*Identification and explanation of each way (2 marks each for five ways) –
Total: 10 marks*

Clear, relevant interpretations within the Kenyan context.

Examples may include:

Right to a fair trial

Protection from torture and inhumane treatment

Right to legal representation

Protection of detainees' rights

Gender-sensitive interpretations in cases of gender-based violence.

- b) Drawing lessons from the history of protests in Kenya and relevant literature, assess the role of constitutional courts in interpreting and enforcing human rights. (4 Marks)**

Explanation of constitutional court's role (2 marks)

Insight into how courts have historically protected rights, even in politically charged cases.

Historical example of protests and court's involvement (2 marks)

Referencing cases where the courts defended human rights amidst protests (e.g., protection of assembly rights).

- c) Evaluate three challenges faced by vulnerable populations and the effectiveness of the limitation clause in balancing individual rights with the state's national interests. (6 Marks)**

Identification and explanation of three challenges (3 marks; 1 mark each)

Examples may include discrimination, economic disparities, lack of access to legal resources, etc.

Effectiveness of the limitation clause (3 marks)

Discuss how well the clause manages the balance between individual rights and national security or state interests.

Question Two

a) Critically analyze the balance between law enforcement practices such as arrest, detention, use of force, search and seizure, and the right to a fair trial in Kenya, and evaluate how these practices affect the rights of individuals in the criminal justice process. (10 Marks)

Analysis of each practice (5 marks; 1 mark each for practices and associated rights)

Explanation of how these actions might support or hinder a fair trial.

Evaluation of impacts on individual rights (5 marks; 2 marks each for examples, 1 mark for overall assessment)

Analysis of issues like prolonged detention, excessive force, or due process.

b) Addressing concerns of potential human rights abuses during the planned protest in December 2024 as the Human Rights Director: Detail three (3) immediate and two (2) long-term response strategies to ensure justice and accountability. (10 Marks)

Immediate response strategies (6 marks; 2 marks each)

Potential strategies may include establishing observation teams, creating a hotline for abuse reporting, issuing guidelines for law enforcement.

Long-term response strategies (4 marks; 2 marks each)

Examples may include training programs for police on human rights, establishing partnerships with civil society organizations.

Question Three

a) Globalization has transformed governance and human rights: Discuss three ethical and two professional implications globalization poses for Africa's criminal justice system. Address how states can uphold human rights standards while navigating global governance pressures. (10 Marks)

Ethical implications (6 marks; 2 marks each for three implications)

Examples: cross-border crime, disparities in rights protections, surveillance, data privacy.

Professional implications (4 marks; 2 marks each for two implications)

Examples: the need for international cooperation, adapting to global standards.

Discussion on upholding human rights (2 marks for integrated assessment)

d) Analyze three ways in which conflict shapes governance structures and human security in Africa. (6 Marks)

Identification and analysis of three impacts of conflict (2 marks each)

Examples could include weakened governance, militarization, displacement, economic strain on justice systems.

b) Evaluate how Kenya's governance structures and human security can impede access to justice and human rights within the criminal justice system. (4 Marks)

Analysis of governance and human security issues (2 marks)

Issues such as bureaucratic inefficiencies, resource limitations, or lack of transparency.

Evaluation of impediments to justice and rights (2 marks)

Example of structural challenges affecting access to fair trials, legal representation, or enforcement of rights.