

DEMOCRACY AND HUMAN RIGHTS

7. Identify one way in which a Kenyan citizen can participate in the democratisation process.

(1 mark)

- (i) Voting
- (ii) Protesting against evil practices of the government
- (iii) Paying taxes to the government
- (iv) Attending and participating in community or civic meetings
- (v) Debating on issues affecting the state
- (vi) Contesting for civic elections, parliamentary and presidential elections

(Any 1 =1

mark)

ANS 7 DIST 1

13. Give one characteristic of human rights

(1mk)

- (i) Are universal
- (ii) Are indivisible one right can not be applied if the other does not exist?
- (iii) Rights have limitation
- (iv) Human rights maybe suspended at times e.g. during war.

1x1 = 1mk

22.(a) State three survival rights of a child

- (i) Life
- (ii) Good health care
- (iii) Name and identity
- (iv) Clothing, shelter and food

3x1=3mks

(b) Explain the principles of democracy as found in the bill of rights

- (i) Equality before the rule of law
- (ii) Participation of citizens in government
- (iii) Economic democracy i.e decentralization of economic power
- (iv) Provides freedom of movement of an individual
- (v) People should have freedom of speech, debate and enquiry
- (vi) Democracy must accommodate the wishes, needs and aspiration of a majority of people
- (vii) Accord opportunity to participate in state affairs regardless of race, gender or creed
- (viii) Accountability to mass media
- (ix) Regular free and fair election
- (x) Transparency and accountability ob government side
- (xi) There should be separation of power between the executive, judiciary and legislative. Any 6x2 (12marks)

ANS 22 DIST 2

20.a. Three political duties of a Kenya citizen

- Voting / participating in civic affairs / party politics
- Building / promoting democracy
- Offering checks and balance to control excesses of power
- Participate in public policy development / advocating for favourable policies and legislation

1 x 3 = 3 Marks

b. Six instances when the rights of a person to own property can be limited in Kenya

- When satisfying any penalty for breach of civil and criminal law
- In collection of tax, duty, rate or other levies
- When property is seen to be dangerous to the health of a person, animal or plant
- Execution of a court order
- If property is required temporary for examination, investigation, inquiry, trial. Soil. Conservation or agricultural development
- Belongs to a deceased person, a person of unsound mind or a minor for its administration to the benefit of the persons entitled to benefit
- Belong to a person or company adjudged bankrupt
- Its subject to a trust for purposes of giving effect to the trust
- Condition of lease, mortgage or contract

2 x 6 = 12 Marks

ANS 20 DIST 4

4. - Right to national and international peace
- Right to a clean environment
- Right to permanent sovereignty over natural resources.

ANS 4 DIST 5

14. **Identify one class of human rights**

(1mk)

- Classical human rights / political civil rights
- Social Humans rights / social / economic
- Third generation Human rights / solidarity rights

1 x 1 = 1mk

22. a) **Identify three aspect of democracy**

(3mks)

- Political aspect – process of electing leaders and expressing dislikes through them.
- Social aspect – a means through which people are free to express opinions and associate with others
- Economic aspect – Promote equal opportunities to all citizens.

3 x 1 = 3mks

b) **Outline six electoral malpractices that are a threat to democracy in Kenya**
(12mks)

- Harassment of voters by rival groups / intimidation of voters.
- Partisan election officials
- Bribery of voters
- Disruption of polling exercises
- Uses of witch craft and forced illegal oathing
- Rigging by election officials
- Buying of voter cards
- Double registration by voters
- Negative propaganda against opponent e.g circulating defamatory, leaflets
- Instigation of violence / insecurity.

6 x 2 = 12mks

ANS 14, 22 DIST 6

11. State two features of human rights ()
Any 2 x 1 = 2 mks

i) Condition of life necessary for development of human / inborn/ God given.

ii) It is enjoyed equally by all members. ()
Any 2 x 1 = 2 mks)

ANS 11 DIST 7

6. Name the legal document in which the rights of a child are contained (1mk)

-United nations convention on the rights of the child

24.a) Under the right to protection of the law, identify the rights that a suspected criminal is entitled to

-A fair hearing within 24hours unless it is weekend or a public holiday

-A fair hearing by an independent and impartial court of law

-A right to be assumed innocent until proven guilty

-Right to legal representation

-Right to have an interpreter to a language one understands

- Criminal proceeding, are conducted in accordance to the law. (5x1=5mks)

ANS 6, 24a DIST 8

b) **Explain five circumstances which may force the government to limit the rights**

and freedoms of the individual

(10mks)

i) One can be denied the right to life if one is convicted to murder in a court of law or caught in the act of robbery with violence.

ii) If suspected to be planning to commit a crime one can be denied their personal liberty/freedom of movement.

iii) One can be denied freedom to own property if the government wishes to develop public facilities in the area, but compensation must be made.

iv) Ones freedom of worship can be limited if one uses it to undermine the government or create disunity .

v) One's freedom of assembly can be limited if it poses a threat to the state

vi) One's freedom of speech may be limited if one publishes false accusation about another person or the state or incite people against the government.

vii) Ones freedom of movement can be limited if internal security is threatened.

viii) If one is not of sound mind one can be taken to a mental hospital by the police for confinement and treatment.

ix) If one has not attained the age of maturity one is considered a minor and his decisions are made on his behalf by adult members of the

society.

5x2 = 10mks

ANS 22b DIST 9

- 6.i) The police
 - ii) The church
 - iii) Kenya national commission on human rights(KNHCR)
 - iv) Trade unions
 - v) Lawyers
 - vi) Judges
 - vii) Teachers
 - viii) Journalists
 - ix) Women groups .
- (2 x1 = 2mks)

ANS 6 DIST 11

8.Give two characteristics of human rights

- i) There are universal, they apply equally to all
- ii) They are indivisible.
- iii) Rights have limitation
- iv) Human rights may be suspended at times e.g. freedom of movement may restrict during war or outbreak of diseases / derogation of human rights. Any 2x1=2mks

ANS 8 DIST 13

10.Rights whose personal liberty is limited. (2 mks)

- To be informed of the reason for the arrest or detention as soon as possible.
- To be taken to court within 48 hours from the time of arrest or within 14 days if the crime/issue is capital.
- To be presumed innocent until proven otherwise. 2 x1 = 2 mks

11.What ways does education promote unity? (2 mks)

- Mixing of students from all parts of the country.
- School curriculum stresses on importance of unity through subjects like history and CRE.
- Through games and sports where students meet and interact.
- The students sit for the same examination. (2 x 1 = 2 mk)

ANS 10, 11 DIST 15

22. (a) five merits of democracy.
- Since it is founded on the consent of the people the leaders cannot ignore the people.
 - It recognizes equality among all the people irrespective of their colour, gender or religious beliefs. i.e equality before the law.
 - Democracy has a moral and educative values i.e those who want to be

- elected have to develop their personality.
- It balances the liberty of the individual with the power of the state. This is because laws are made with the consent of the people who thereby have to abide by them willingly. They don't feel that their liberty is curtailed unfairly.
- Democracy promotes patriotism and reduces the chances of a revolution.
- It promotes peace in the country because it advocates for peaceful co-existence. 1x5 = 5mks

(b) Limitations of democracy.

- It promotes dictatorship by the majority.
- It encourages class struggle and corruption i.e it is only those who have money and can engage in intensive campaigns who get elected since they can influence voters. Once elected they form the government and formulate laws that protect their interest.
- A democratic government is often slow and wasteful. Consultations have to be made. Time and public resources are used in the process
- It is not easy to find an honest, sincere man of good moral character being elected.
- It may perpetuate incompetence in this case the number is required hence quality of a candidate are not taken into account. In most cases the majority of the voters are usually masses of ignorant people.
- Although democracy is regarded as the title of the majority, in practice it is the elected minority who rule. 5x2 = 10mks

ANS 22 DIST 16

5. - Indirect/ representative democracy
 - Constitutional democracy

(1 x 1=1mk)

ANS 5 DIST 17

11. i) They are universal i.e. excised equally by the whole race
 ii) Indivisible i.e. one right can not be applied if the other does not exist
 iii) Have limitations – one should not interfere with the rights of others
 iv) Derogation of human rights – application of human rights can be suspended if circumstances dictate.

(2x1=2mks)

20. a) i) Right to good food
 ii) Right to shelter and clothing
 iii) Right to be nurtured
 iv) Right to adoption
 v) Right to own a name / nationality
 vi) Care of the disabled child
 vii) Right to medical care
 viii) Right to own property

(5x1=5mks)

ANS 11, 20a DIST 18

12. Mention two disadvantages of representative democracy

- i) Ignores the interest of the minority.
- ii) Encourages class struggle and corruption.
- iii) Long time consultations before decision are made.
- iv) Possibility of electricity incompetent leaders

(2 x 1 = 2mrks)

21.b) Discuss six factors that may lead to limitation of the rights freedom of individuals in Kenya.

(12mrks)

- i) If one is remanded in custody or imprisoned.
- ii) If one is suspected of planning to commit a crime.
- iii) Ones freedom of worship can be limited if the manner of worship undermines the government or national unity.
- iv) Freedom of assembly can be curtailed if it poses a threat to state security.
- v) Freedom of speech can be limited if it is meant to incite people against the government.
- vi) A person of unsound mind can be confined to a mental hospital.
- vii) Children below the age of 18 years are considered minors and decisions concerning their movement are made by adults.

(6 x 2 = 12 marks)

ANS 12, 21b DIST 19

1 Define a democratic system of Government (1mk)

Is a type of Government where the people opinion and consent is sought on how they are governed e.g. through elections. – Government of the people for the people and by the people

7 Name the United Nations document containing the rights of a child (1mk)

- UN Convention on the rights of the child

20 (a) Name three International bodies, which monitor Human Rights in Kenya

(3mks)

- (i) Amnesty International
- (ii) Kenya National Commission on Human rights
- (iii) Transparency International
- (iv) United Nations organization
- (v) FIDA – Association of women Lawyers