



***“Investing in Africa’s future”***

**COLLEGE OF BUSINESS, PEACE, LEADERSHIP & GOVERNANCE**

**NPHR502: NATIONAL PROTECTION OF HUMAN RIGHTS**

**END OF FIRST SEMESTER FINAL EXAMINATIONS**

**NOVEMBER 2021**

**LECTURER: C. MUNGUMA**

**DURATION: 5 HRS**

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**INSTRUCTIONS**

Answer any **one** question from the three questions in the question paper. Marks allocated to each question are indicated in brackets at the end of the question. References and citations for any materials you have used must be provided.

### Question 1

It has been highlighted that the Paris Principles provide six criteria which should be met if National Human Rights Institutions (NHRIs) are to have international acceptance, namely; **broad mandate and legal competence, autonomy from Government, independence, pluralism, adequate resources and adequate powers of investigation.**

Using the Paris Principles' lenses discuss whether the Zimbabwe Gender Commission meets the above criteria. [50marks]

### Question 2

Discuss how the following groups are necessary for the full protection of human rights in Africa:

1. Civil society
2. A security sector that respects human rights.
3. Parliament.
4. Independent judiciary
5. National human rights institutions.

[50marks]

### Question 3

The Republic of Zamali is an African state located in Southern Africa. It is a member of both the African Union and SADC. Recently, it adopted a new constitution that creates an independent national human rights institution in the form of a human rights commission. The Constitution provides that the Commission must be fully independent and must not be subject to the control of any person or authority in its operations. Other than that the constitution is silent on how the independence is to be achieved.

The constitution calls this institution the Zamali Human Rights and Transparency Commission. The Commission has the mandate to advance and protect all forms of human rights, enforce administrative efficiency and is also an anti- corruption watchdog. The NHRI is not yet operational. In addition, no Act of Parliament has been adopted as yet to support the operations of the Commission.

As an expert in Human Rights your team has been appointed by the African Union with the support of the United Nations as a consultant of the Republic Zamali to advice Zamali on how the absolute independence of the Commission can be achieved. As part of the mandate your team is supposed to suggest the provisions that should be included in the Zamali Human Rights and Transparency Commission Act (an act of parliament). The Act will also deal with the appointment and dismissal of Commissioners, its funding, reports to parliament and tenure of office of the Commissioners. All these aspects are not directly dealt with in the national Constitution.

1. You are required to discuss the provisions that you will include in the Zamali Human Rights and Transparency Commission Act to ensure the independence of the Commission justifying why you will include them in the Act. [30marks]
2. Your mandate allows you if necessary to suggest changes that should be made to the national constitution so as to strengthen the Zamali Human Rights and Transparency Commission as an independent human rights body. You are required to suggest the main changes that should be made to the constitution. [20marks]

**End of Examination**