



Enforcement Dynamics in Human Rights Law Adjudication within Kenyan Domestic Courts: A Qualitative Exploration

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Abstract

This study examines enforcement mechanisms for human rights law within domestic courts in Kenya, focusing on how these laws are applied and enforced by judicial officers. Qualitative research methods were employed, including semi-structured interviews with judicial officers and court staff, document analysis of court decisions, and observations at selected trial sessions. Judicial discretion significantly affects the enforcement outcomes; approximately 60% of cases resulted in recommendations for further investigation rather than immediate legal action. The study highlights the challenges faced by Kenyan courts in enforcing human rights law, particularly concerning judicial interpretation and decision-making processes. To improve enforcement, there is a need to enhance training programmes for judges on human rights principles and to establish clearer guidelines for court staff regarding legal precedents and case outcomes.

Keywords: *African jurisprudence, qualitative analysis, judicial discretion, human rights doctrine, legal interpretation, case study methodology, enforcement mechanisms*

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