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THE OPEN UNIVERSITY OF SRI LANKA
FACULTY OF HUMANITIES AND SOCIAL SCIENCES
DEPARTMENT OF LEGAL STUDIES
LL.M IN CRIMINAL JUSTICE ADMINISTRATION – LEVEL 10 - 2nd Year
FINAL EXAMINATION – 2017/2018
LLPA409 / LWP2209 - HUMAN RIGHTS RELATING TO CRIMINAL JUSTICE
ADMINISTRATION
DURATION –03 HOURS



Date: 25th November 2018

Time: 09.30 a.m. – 12.30 p.m.

Total number of questions 07.

Answer any four (04) questions only.

Candidates will be penalized for illegible handwriting.

1. “All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political economic and cultural systems, to promote and protect all human rights and fundamental freedoms”

The Vienna Declaration and Program of Action (June 1993, paragraph 5)

Critically analyse this statement in relation to the evolution of the concept of human rights up to 21st Century.

(25 marks)

2. “Electronic monitoring of telephone calls or wiretapping is sufficiently intrusive for purpose of an invasion of privacy claim. However, it is not certain that an employee would have reasonable expectation of privacy when using a company-owned telephone system. Information technology provides us with a host of ethical challenges. New Technology imposes new implications. The office usually provides faster, cheaper and easier access to the internet, while some work must be done at home in order to be completed according to our modern, technologically-enhanced pace.”

Discuss above statement in relation to right to privacy as a human right in Sri Lanka.

(25 marks)

3. "The state has the obligation to respect the existential status. Moreover, states must do their best to protect the existential status of a human being in their jurisdiction against being destroyed by a third party. And finally- in cases where persons are deprived of their existential status-states must do their best to supplement the efforts of the deprived persons or groups to gain this status. States have the obligation to fulfil the existential status of a deprived person or groups."

Discuss.

(25 marks)

4. Sri Lanka has signed and ratified the ICCPR and ESCR Conventions respectively and certain specific rights guaranteed in these conventions have been absorbed in to the Chapter III of the 1978 Constitution. In 2007, Sri Lanka Parliament passed ICCPR Act as a domestic legislation but a very few provisions of ICCPR reflect in this Act. What do you think about selecting only few a specific right for the Sri Lankan enactment?

Give reasons for your answer.

(25 marks)

5. "The ongoing debate in Sri Lanka is whether death penalty should be implemented at least for offenders who have been found guilty in connection with dangerous drug transaction, while serving punishment in the prison."

With reference to above statement, discuss whether Sri Lanka should ratify the Second Optional Protocol of ICCPR.

(25 marks)

6. Trace the history of application of the concept of human rights in Sri Lanka.

(25 marks)

7. "The economic, social and cultural rights are distinguishable from other human rights on a number of grounds.

Do you agree with the statement?

Give reasons.

(25 marks)