

THE OPEN UNIVERSITY OF SRI LANKA
 FACULTY OF HUMANITIES AND SOCIAL SCIENCES
 DEPARTMENT OF LEGAL STUDIES
 LL.M IN CRIMINAL JUSTICE ADMINISTRATION
 SECOND YEAR- FINAL EXAMINATION - 2022/2023
 LLPA 409 - HUMAN RIGHTS RELATING TO CRIMINAL JUSTICE ADMINISTRATION
 DURATION: 03 HOURS



Date: 08.10.2023

Time: 09.30 a.m. – 12.30 p.m.

Total No. of Questions: 07

Answer FOUR (04) questions only.

Candidates will be penalized for illegible handwriting.

01. "... Any international convention not inconsistent with the fundamental rights and in harmony with its spirit must be read into these provisions to enlarge the meaning and content thereof, to promote the object of the constitutional guarantee..."

Vishaka & others V. State of Rajasthan & others - (1997) 6 SCC 241

In light of the above-mentioned statement given by the landmark Indian Judgement on sexual harassment, do you agree that the Judiciary of Sri Lanka has upheld the spirit of this judgment by incorporating International Conventions into the domestic law of Sri Lanka in order to protect and promote the human rights of the citizens in this country?

Critically analyse your answer with supporting evidences.

(25 Marks)

02. (a) Explain the nature of the state party obligations undertaken by the state parties under Article 02 of the International Covenant on Civil and Political Rights 1966 (ICCPR).

In your answer, you are expected to cite relevant general comments made on the Convention. (07 Marks)

(b) State of Ramada is planning to send its 9th periodic report to the UN Human rights Committee. Assume that you are requested to provide information regarding legal and institutional measures to be undertaken to fulfill the obligations under

- i. Article 7 of the ICCPR
- ii. Article 9 of the ICCPR
- iii. Article 14 para 3 (d) of the ICCPR

You are expected to provide comprehensive information citing relevant legal authorities. (06X 03 = 18 Marks)

(07+18=25 Marks)

03. Tony is a human rights activist in the state of Rohinia. Recently he appeared in a television interview. During his talk he has made three statements. They are, "Thousands of detainees are languishing in the prison without trial for more than three decades." "Although the government had established "Office of Missing Persons" family members of the missing persons are not given any effective remedy by the government." "There is no proper mechanism in place to protect the child prisoners in this country."

In light of these statements made by Tony, answer the following questions. Assume that Rohinia's legal system is similar to that of Sri Lanka.

- (a) Critically discuss the state Rohinia's obligations with regard to detainees under the human rights treaties. (09 Marks)
- (b) Discuss the rights of families of missing persons under the international and domestic human rights law regime. (08 Marks)
- (c) Identify the rights of child prisoners with special reference to the Convention on the Rights of the Child 1989. (08 Marks)

(09+08+08= 25 Marks)

04. Critically discuss the measures taken by Sri Lanka to address the issues relating to violence against women.

You are expected to provide your answer in light of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the available domestic legal authorities. (25 Marks)

05. The Human Rights Commission of Sri Lanka was established by the Human Rights Commission of Sri Lanka Act No.21 of 1996. Discuss the powers and functions of the Human Rights Commission of Sri Lanka in light of the contribution that national human rights institutes could make in order to protect and promote human rights in Sri Lanka.

(25 Marks)

06. (a) Discuss the legal provisions in the international human rights law relating to the duty to cooperate to protect and promote human rights. Your discussion should refer to practical examples where international co-operation is required. (12.5 Marks)

- (b) Select a regional human rights system of your choice and discuss the main aspects and pros and cons of that chosen system. (12.5 Marks)

(12.5×2=25 Marks)

07. Write a critical appraisal on the following three;

- (a) The Universal Declaration of Human rights and the development of Human rights in the recent history. (08 Marks)

- (b) Special procedures provided under the Human rights Council and the protection of human rights. (09 Marks)

- (c) Individual communication to treaty bodies. (08 Marks)

(08+09+08= 25Marks)

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