

THE OPEN UNIVERSITY OF SRI LANKA
 FACULTY OF HUMANITIES AND SOCIAL SCIENCES
 DEPARTMENT OF LEGAL STUDIES
 LL.B DEGREE PROGRAMME – LEVEL VI
 FINAL EXAMINATION 2023/2024
 INTERNATIONAL HUMAN RIGHTS LAW –LLU6717/LWU4325
 DURATION – 03 HOURS



Date: 22nd May 2025

Time: 1.30 p.m. – 4.30 p.m.

Total number of questions – 08

Answer **FIVE (5)** questions only.

Candidates will be penalized for illegible handwriting.

1. The establishment of the United Nations was vital for the development of International Human Rights Law. The development of a treaty regime was one way that the United Nations Organization contributed to the advancement of this area of law.

Do you agree with the above statement? Discuss providing appropriate examples to justify your position.

(20 Marks)

2. The following is an extract from a speech given by a former President of Sri Lanka at a Teachers event in 2017. Read the extract and critically analyze the argument presented in the speech in light of the debate on universal applicability of human rights and cultural relativity.

[...] When I was studying in the Thopawewa Maha Vidyalaya, one day my class was restless and noisy, and the principal who had been observing this behaviour singled me out and caned me until the cane broke ... Even though my mother was a teacher and my father the village headman I did not tell them that I had been punished by the principal. If I had told them that I had been caned, they would have said that I must have done something wrong and that was why I was punished and that they too should punish me.

I am astounded at what is happening today. Human rights, fundamental rights freedom and democracy are good things. These things are given to make a society better not to render a society helpless... When a teacher in a school tweaks student's ear or administers a light knock on the head (tokka) or a slap, the teacher is taken to the police and to courts and action is filed against him. The parents of school going children should therefore consider the true meaning of the terms human rights, and freedom etc.'

(20 Marks)

3. You are invited to deliver a speech on the Women's Day organized by your school alumni on the topic 'Women's rights in international human rights law and its application in Sri Lanka'. Organizers expect a critical assessment of the topic. Prepare an outline of the speech. Your speech should include relevant legal provisions and case law if applicable.

(20 Marks)

4. General Brutus served as the high commanding officer of the army of the Republic of Cactus. He led the army in the civil war where a group of separatist rebels launched a rebellion against the government of the Republic. In the final stage of the war, due to intense artillery attacks, hundreds of civilians belonging to the minority ethnic group X died and critical infrastructure like hospitals were damaged. Furthermore, paramilitary groups supported by the army maintained detention camps to interrogate rebels and there were allegations of committing torture in those camps. In the aftermath of the war, advocates for the rights of the X community envisage to refer the atrocities committed against the community to the International Criminal Court (ICC).

(a) Explain how cases are referred to the ICC and discuss whether Brutus can be prosecuted under the ICC regime. Assume that the Republic of Cactus is not a party to the Rome Statute of the International Criminal Court.

(10 Marks)

(b) Are there any alternative forums that can be invoked to prosecute General Brutus? Discuss with reference to historical examples concerning the development of international criminal law.

(10 Marks)

5. (a) Explain the difference between the United Nations Human Rights Council (UNHRC), Human Rights Committee (HRC) and United Nations Commission on Human Rights. Compare and contrast their functions.

(10 Marks)

(b) Explain how treaty-based mechanisms monitor treaty compliance of state parties. Do you think the existing framework of monitoring is adequate for effective protection and promotion of human rights? Give reasons for your answer.

(10 Marks)

6. The Convention on the Rights of the Child (CRC) provides a comprehensive framework for the protection and promotion of children's rights. Critically assess the extent to which Sri Lanka has fulfilled its obligations under the CRC. In your answer, consider both legal incorporation and practical implementation in at least two (02) areas of your preference such as education, child labour, protection from abuse etc.

(20 Marks)

7. '[...] Religion and human rights are mutually exclusive. More a society becomes religious, less is the space for the protection of human rights.'

Do you agree with the above statement? Present your arguments with appropriate examples from history and contemporary times.

(20 Marks)

8. Write brief notes on the following.

- a) UN *ad hoc* tribunals
- b) Economic, social and cultural rights
- c) Individual complaint procedures
- d) Right to life

(5 Marks X 4 = 20 Marks)

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