

THE OPEN UNIVERSITY OF SRI LANKA

LL.B DEGREE PROGRAM – LEVEL 5/6

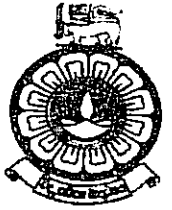
INTERNATIONAL HUMAN RIGHTS LAW LWU 3325/4325

FINAL EXAMINATION – 2007

DURATION - THREE HOURS

DATE: 19th March 2007

TIME: 1.30 – 4.30 p.m.



Answer FIVE questions only.

Illegible handwriting will be penalized.

1. "Human rights cannot be considered exclusively a Western concept merely because it originated in the West."

Critically evaluate the validity of the above statement in the context of the philosophical and religious foundations of human rights.

2. It is contended that the distinctive elements of the religious and political cultures of Asian States have had no place in the development of the concepts of human rights. Therefore it is argued that this concept is alien to Asian states.

Do you agree with the above statement? Support your position citing practical examples.

3. The critics of human rights argue that the concept places too much importance on political and civil rights at the cost of economic and social development.

Evaluate the validity of the above position in the light of 'indivisibility of the concept of human rights.'

4. "The resulting position is that the Petitioner cannot seek to 'vindicate and enforce' his rights through the Human Rights Committee at

Geneva, which is not reposed with judicial power under 'the highest and final Superior Court of record in the Republic' in terms of...the Constitution cannot set aside or vary its order as pleaded by the Petitioner on the basis of the findings of the Human Rights Committee in Geneva which is not reposed with any judicial power under or in terms of the Constitution" [per The Supreme Court of Sri Lanka in the case of Nallaratnam Singarasa Vs Attorney General (S.C. 182/ 99)]

Discuss the ambit of the obligation arising out of Sri Lanka's accession to the International Covenant on Civil and Political Rights and its Optional Protocol in the light of above judgment.

5. Luba, a Warlord of the minority community called Tabo, has been fighting for a separate state in the Southern part of Serandib for the past 10 years. In 2001 Luba's militia massacred thousands of civilians who were living in the areas controlled by him, drove away civilians of the other communities from the area, and also obstructed civilian life by destroying irrigation schemes. The militia also gang raped a large number of women living in the area. Recently Luba has started forcibly recruiting abducted children for his militia.

The state Serandib is a party to the Rome Statute of International Criminal Court. 'Alfa' is an International NGO, that Wishes to bring action against Luba and his militia before the ICC.

Advise 'Alfa'.

6. "Since 1989, when the United Nations General Assembly adopted the Convention on the Rights of the Child, there has been an unprecedented growth in the commitment to protect children's rights internationally"

Discuss whether the Sri Lankan Law is in line with the international standards with regard to protection of the rights of children.

7. According to General Recommendation 19 of the committee set up under the Convention on the Elimination of all Form of Discrimination Against Women, gender related violence is a form of discrimination which inhibits a woman's ability to enjoy rights and freedoms on the basis of equality with men.

Discuss the implications of the above statement with special reference to the adequacy of the legal framework that governs the status of Sri Lankan women. You should consider the legislative initiatives and judicial developments in this area of law.

- 8 Write notes on any two of the following topics:
- (a) The protection of minorities.
 - (b) Human rights discourse and the death penalty.
 - (c) The Convention on the Prevention and Punishment of the Crime of Genocide.
 - (d) United Nations Human Rights Council.

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