

THE OPEN UNIVERSITY OF SRI LANKA
FACULTY OF HUMANITIES AND SOCIAL SCIENCES
LL.M. IN CRIMINAL JUSTICE ADMINISTRATION - LEVEL 7
FINAL EXAMINATION – 2015/2016
LWP 2209 – HUMAN RIGHTS RELATING TO CRIMINAL JUSTICE
ADMINISTRATION
DURATION – 03 HOURS



Date : 20.05.2017

Time: 09.30 a.m. – 12.30 p.m.

Total number of questions 7

Answer FOUR (04) questions only. Each question carries 25 marks

Candidates will be penalized for illegible handwriting.

1. “Although Magna Carta Libertatum is not a complete catalogue of civil rights and liberties as we know of today, it could, nonetheless be described as the starting point of Constitutional history, which shifted the focus from the power of the State to human rights since it has enshrined the principles of liberty, justice and even of equality and fraternity” -

Justice A.M. Ahamadi, Inaugural Address on Fakhruddin Ali Ahamed Memorial Lecture on Democracy, Liberty and Changing Political Scenario, 29th July 2000, (New Delhi: GHAL B Institute Publication, 2000) 9.

Discuss the evolution of human rights in criminal justice administration in the light of the above statement.

2. Critically discuss the extent to which the individual communication mechanism can provide justice to victims of domestic criminal justice administration. Your answer should focus on individual communications to the UN Human Rights Committee under the optional protocol to the ICCPR.

3. Critically discuss the safeguards available in Sri Lanka against arbitrary arrest and detention. Your discussion should focus on the following:

1. Relevant provisions in the ICCPR.
2. Domestic statutory provisions

4. ‘The right to legal assistance is one of the basic rights of a suspect. Critiques argue, that the proposed amendment (2016) to the Criminal Procedure Act.No 15 of 1979 denies this basic right of a suspect to access legal assistance while in police custody.’

How would you assess this proposed amendment? Write an appraisal of the above amendment in light of International Human Rights obligations and relevant domestic legal provisions.

5. The report of the Universal Periodic Review(UPR) on Restoria2016 has recommended that Restoria should adopt a National Plan of Action for the protection and promotion of Human rights (NPAHR). Accordingly, Restoria has decided to prepare an NPAHR for the next five years (2017-2021). An Inter-Ministerial Committee on Human Rights was appointed by a Cabinet Paper. Drafting Committees comprising key government actors and civil society representatives, including those nominated by the Human Rights Commission of Restoria have been appointed for several thematic areas. One of the themes is on preventing custodial death and torture. The international human rights obligations and the constitution of Restoria are similar to that of Sri Lanka.

Assume that you are a civil society representative on the committee and prepare the draft NAPHR for next five years with reference to custodial death and torture. The plan of action should refer to the following:

1. International treaty provisions
2. Legal measures
3. Non- legal measures
4. Responsible stakeholders

6. What are the important components of a juvenile justice system? Do you think that Sri Lanka's juvenile justice system strikes a balance between the best interests of the child and effective criminal justice administration? Give reasons for your answer.

7. Critically discuss the extent to which the Victim and Witness Protection Act 2015 will strengthen criminal justice administration in Sri Lanka.

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