

UNIVERSITY OF COLOMBO, SRI LANKA
FACULTY OF LAW
MASTER OF LAWS DEGREE EXAMINATION – 2016/17
(Old Syllabus)

CHILDREN'S RIGHTS AND WOMEN'S RIGHTS LAW

(Three hours)

Total No. of Questions: 04

**Answer any THREE (3) questions choosing at least ONE (1) question
from each part.**

(Candidates will be penalized for illegible handwriting.)

PART - I

1. “Critics of International Law often question its value and whether it is true law at all, in view of the difficulties of enforcement. Yet, while it is fair to say that there is much in the Convention on the Rights of the Child which can only be achieved with political will and a massive commitment of resources, the UNCRC should not be evaluated solely on the basis of its lack of direct legal enforceability. The educative and symbolic effect of internationally agreed norms (against which domestic standards may be measured) is also important. In this respect the Convention is extremely successful.”

Andrew Bainham and Stephen Gilmore, *Children-The Modern Law*, (2013), p 107.

Choose any two specific rights embodied in the UN Convention on the Rights of the Child, and assess the impact that the Convention has had in relation to the same rights in domestic law. Support your answer with examples drawn from more than one country.

2. Chula was the son of a poor farmer Appu. On the death of his mother Sita, Appu hands Chula, who was eight years old, over to his rich sister Soma. Soma neglects Chula and does not send him to school. At the age of ten Chula leaves Soma's home and finds employment in a motor garage. He lives in the garage and struggles to meet his daily needs. Occasionally, his employer gives him some money, which is far less than what the other employees in the garage get and not enough even to buy his meals. To satisfy his hunger, he commits petty thefts. One day, whilst trying to enter into a house close to the garage, he is apprehended by the inmates of the house and is severely beaten up by them and handed over to the Police. He is eventually produced before the Juvenile Court. After many delays in the court proceedings, he is found guilty of attempted theft and sent to a 'certified school' for three years. He has no contact with his father or aunt and the only life known to him is that of the 'certified school'.
- a) Identify the international and domestic norms that have been, in your opinion, violated in relation to Chula; and
 - b) What reforms to the Sri Lankan substantive as well as procedural laws would you propose to deal with the violations that you have identified in relation to Chula?

PART - II

3. Violence against women and girls raises human rights issues, requiring a legal system to respond, adopting comprehensive legislative measures and to provide an administrative framework, thereby such violence is identified as a violation of human rights and provided for effective protection and compensation to the victim.

Drawing from internationally recognized guiding principles on legislation dealing with violence against women, state whether the Domestic Violence Act of Sri Lanka adheres to such principles. You may support your answer with examples drawn from other jurisdictions.

4. Women's economic empowerment is a crucial element in achieving gender equality, and sustainable development. Central to the challenges that needs to be addressed is gender discrimination in the world of work. Referring to international labour standards, identify, if any, discriminatory Sri Lankan labour policy / laws / regulations / practices, etc. and analyze how gender mainstreaming of them would lead to attaining the goals of substantive gender equality and sustainable development.
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