

University of Colombo, Sri Lanka
Faculty of Law
Bachelor of Laws Examination, Year IV-(Online)-2022

Human Rights Law
(Three Hours)

Total Number of questions:06

Answer **Three (03)** questions **ONLY**
(Candidates will be penalized for illegible handwriting)

1. People of Ceyland are facing severe economic hardships due to hyperinflation, and they have taken to the streets to protest and demand the resignation of the President and the cabinet who were accused of long-term corrupt practices. On 31 May 2022 a group of protesters congregated at the Parliament of Ceyland, disregarding the police orders to leave the area. Later without a warning, the police used teargas and the protesters responded by damaging the barricades and hurling various things at the police. Following the chaotic scuffle, several demonstrators including Amal, Kamal, Nihal and Gatta were arrested. When the protesters demanded reasons for their arrest, the police simply replied, 'you will find out that when we beat you up'. The protesters were then blindfolded and taken to an unspecified location where they were kept for 3 days without being produced before a court. The police threatened Amal, a popular pianist, that his arms would be 'chopped off' if he doesn't write a confession admitting guilt to certain offences. Nihal, a trade union leader was not given any food during these 3 days and Kamal, an Attorney-at-law was kept in isolation in a reeking darkroom with no ventilation. Kamal demanded that he should be allowed to see his fellow detainees to provide legal advice, but he was kept in the cell whole time, which caused breathing problems that required medical treatment. Gatta said to have called for wreaking vengeance on corrupt politicians and wrote in social media 'those who are responsible will have to repay'. He was suspected of planting explosives in a certain location targeting certain cabinet ministers. Police brought Gatta's wife and children to the interrogation room and demanded Gatta to 'tell the truth', holding his children at gun point. Hearing his wife's laments, Gatta confessed to reveal the location where explosives were planted, and the police was subsequently able to locate and defuse the explosives.

Critically examine the legality of the actions taken by the police, assuming that both the legal systems of Ceyland and their international human rights obligations are similar to Sri Lanka.

(100 Marks)

2. “Accusations of politicization, double standards and unprofessionalism led many commentators to conclude that the [Human Rights] Commission had lost its credibility and prompted calls for far-reaching reforms of its operation.”

(Philip Alston, 'Reconceiving the UN Human Rights Regime: Challenges Confronting the New UN Human Rights Council' (2006) 7 Melb J Int'l L 185, 187-88.)

Critically comment on the success of the UN Human Rights Council that was established to replace the Human Rights Commission in addressing the above concerns.

(100 Marks)

3. Alimonia is a State with four religions i.e. Bola, Mala, Tola and Cria. Bolans are the majority in Alimonia and Sinu-Bola is a sect broken away from Bola religion. The Government of Alimonia brought an amendment to the Constitution in order to declare “*Bola as the State Religion and to give the foremost place. Accordingly it shall be the duty of the State to protect, promote and foster the Bola religion while assuring all other religions the rights granted in the Constitution subject to relevant provisions of law*”. Malan and Tolan express their objections over the proposed Constitutional amendment. Sinu-Bolans staged a country wide protest against the amendment stating that they are a religious minority and Bolan will suppress their manifestation of religious belief. Sinu-Bolan protesters have been arrested by Alimonia Government authorities and detained at Bolan missions under the Bolan reformative programme which includes mandatory patriotic education sessions run: upto 12 months. Meanwhile, all school children attached to the State funded schools in Alimonia, irrespective of their religion, are required to wear specific Bolan uniform and participate in the morning prayers of Bolan rituals. Tola and Cria are considered minority religions and recently their religious leaders adopted a religious decree that if anyone astray from their religion or abandon religious practices, such separation or remoteness is considered as a religious crime which is punishable by death penalty.

A human rights organization known as “*Protector of Freedom of Religion*” wishes to write a situation paper on the protection of freedom of religion in Alimonia and appoint you to write the paper.

Write your situation paper in light of national and international standards and human rights obligations of States.

(100 Marks)

4. The Republic of Sabarnia announced that under its new land policy, the State lands would be distributed amongst the underprivileged people based on their national ethnic proportion. Sumarian is an ethnic community mounted a challenge against the Government’s decision on the ground that they were disadvantaged by the policy because they represent only 10' percent of the

population. Another criterion for distribution of lands to underprivileged people includes a condition that families of same-sex marriages will be excluded, and according to Sumarian customs only the families formed of traditional marriages between man and woman considered as valid. Meanwhile, the petition submitted by Sumarian people challenging the land policy was rejected by the public authorities since it was written in their mother tongue. Meanwhile, the Government announced that the country's electoral system also would be reformed by introducing the condition that, *"the franchise shall be exercised at the elections by every citizen who owns permanent place of residence under his or her name, or else under their parents' name."*

Write a brief human rights report analysing these policy reforms, assuming that Sabarnia is a party to all major international human rights instruments.

(100 Marks)

5. Assume that you are a member of an expert panel on *Freedom of Expression* in Sri Lanka appointed by the UN Human Rights Council . You are required to evaluate the status of protection of Freedom of Expression and related rights in Sri Lanka and write a report covering the period of past 12 months.

Your report should include **at least four (04)** examples which you consider as events which resulted in significant impact on the protection of human rights in the country.

(100 marks)

6. Answer **BOTH** A and B

(A) Select one substantive right recognized under the Convention on the Rights of the Child (CRC) and write an article to an international legal journal critically analysing the current status of the selected right in Sri Lanka. In the article you are required to discuss at least two examples in the light of the main principles enshrined in the CRC.

(50 marks)

(B) Select one substantive right recognized under the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) and write an article to an international legal journal critically analysing the current status of the selected right in the South Asian context. In the article you are required to discuss at least two examples in the light of the main principles enshrined in the CEDAW.

(50 marks)
