

**UNIVERSITY OF COLOMBO, SRI LANKA**  
**FACULTY OF LAW**  
**DEGREE OF MASTER OF LAWS IN PRIVATE AND COMPARATIVE LAW- 2023/24**  
**SEMESTER I END EXAMINATION**

**Children, Law and Justice – TLLM 1133**  
**(Three Hours)**

**Total number of questions: 04**

**Answer THREE (03) questions and no more**  
**(Candidates will be penalized for illegible handwriting)**

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**Question 01**

Ten year old girl Preethi and two year old boy Kapil live in Badulla with their father Ravi. Their mother has been working as a house maid in Saudi Arabia since 2022. Ravi works as a labourer and entrusts Preethi and Kapil with his sister Kala whenever he is away for work. During the first term of the school in 2023, Preethi's class teacher noticed changes in Preethi's behavior and lack of interest in studies. When inquired, Preethi had told that her aunt Kala makes her to baby sit her brother Kapil most of the time and get her to attend the household chores which leave no time for her to attend to the school work. Preethi is scared to talk to her father about any of these as he often comes home after consuming alcohol. Preethi is worried that no one would be available to look after her brother Kapil whenever she goes to school. Preethi had written several letters to her mother requesting her to return home but had not received any replies from her mother.

Assume that the school management has sought your legal advice to get to know as how best they could handle the issues faced by Preethi and Kapil. You are expected to prepare your legal advice, focusing on the following areas, by citing national and international legal authorities and policies.

- (a) Preethi's and Kapil's rights that have been violated.
- (b) Remedial and proactive measures that may be taken within the Sri Lankan legal and institutional framework to ensure the safety and care of the two children.

**(20 Marks)**

### **Question 02**

**Answer either (A) or (B)**

(A) Critically analyse, in light of international standards, the judicial interpretation and application of the principle of 'the best interests of the child' in a selected jurisdiction. Your analysis must be supported by two illustrations.

OR

(B) Though the United Nations Convention on the Rights of the Child (UNCRC) is being celebrated for recognising the child as a rights bearer and for making the state parties obliged to take legal and other measures in realizing the rights of child within their jurisdictions, it has not escaped criticisms.

Critically evaluate the above statement by focusing on the major criticisms against the UNCRC and how those criticisms have impacted the status of the child. You are expected to draw illustrations from two jurisdictions of your choice to support your answer.

(20 Marks)

### **Question 03**

The status of the Sri Lankan child is being heavily challenged in the recent times by several incidents. Following are some issues that raise serious concerns about the adequacy of the structures that are meant to protect the rights of the child in Sri Lanka:

- (a) corporal punishment in schools
- (b) sexual exploitation
- (c) commercialized play areas
- (d) economic crisis
- (e) medical malpractices

You are expected to select one issue from the above and analyse, citing examples, the relevant legal and institutional framework related to the key child rights that have been challenged in the stated incidents. Your analysis should lead to recommendations that you think would strengthen the Sri Lankan legal and institutional framework and afford better protection for the Sri Lankan child.

(20 Marks)

**Question 04**

Implementation of child rights within the national domains would not be a reality unless it is supplemented by a strong institutional framework and committed stakeholders. The Sri Lankan experience in terms of the competence and commitment of national and provincial authorities entrusted with protection and safety of children have not been satisfactory in protecting their rights.

Do you agree with the above statement? Justify your answer in light of relevant national and provincial authorities entrusted to protect children and ensuring them justice. Your assessment should be compared with examples drawn from one other jurisdiction of your choice.

(20 Marks)

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