

UNIVERSITY OF COLOMBO, SRI LANKA
FACULTY OF LAW
MASTER OF LAWS DEGREE EXAMINATION - 2022/24
REPEAT EXAMINATION - TRIMESTER II

(Children, Law, and Justice – LLM 1154)
(Three Hours)

Total number of questions:04

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

1. (i) Discrimination against children take different forms, exposing the complexity of the status of children. The 'elements' of discrimination recognized globally, make it easier to detect covert and overt discrimination against them. Explain three key elements of the child's right to non-discrimination, citing relevant international standards.

(40 % of the total mark)

- (ii) In spite of Sri Lanka's obligations as a state party to the United Nations Charter on the Rights of the Child, children continue to be discriminated against within the Sri Lankan legal and institutional framework. Critically analyse two (2) instances where some categories of children are discriminated against within the Sri Lankan legal system.

Substantiate your answer citing national policy, laws, practices, international/regional standards, case law, etc.

(60% of the total mark)

2. Sri Lankan statistics illustrate an unprecedented increase in violence against children, raising concerns regarding the adequacy and efficiency of the existing national legal and institutional framework to prevent violence and protect victims. This negatively affects Sri Lanka especially in the context where the country has been recognized as a pathfinder country by the Global Partnership to End Violence against Children. Assume that you have been assigned to prepare a report analysing the adequacy and efficiency of the legal and institutional framework to prevent violence against children and protect child victim survivors and potential child victims from violence. Prepare a report focusing on the following:

- (i) 3 key forms of violence against children prevalent in Sri Lanka; (10% of the total mark)
- (ii) Based on the forms of violence identified in (i) above, an analysis of the rights of children that are and/or threatened to be violated; (30% of the total mark)
- (iii) Gaps in the law and the institutional framework; (30% of the total mark) and
- (iv) Recommendations for a better legal and institutional framework. (30% of the total mark)

3. Sri Lanka prohibits 'sexual exploitation of children', 'child pornography', 'procurement of children for prostitution', and 'trafficking in children' while requiring 'consent of the child and of relevant authorities for the adoption of a child'. However, it has been observed that there are gaps in the law especially in terms of definitions of these specific offences, thus (a) resulting in the domestic law falling below the recognized international standards, and (b) subjecting a large number of children to exploitation.

- (i) Select one of the above-mentioned areas, which you think falls below the global standards and leads to the exploitation of children, and analyse the gaps in national legislation, action plans, and the institutional framework relating to the chosen area in light of relevant international standards;

(60% of the total mark) and

- (ii) Make recommendations to reform the law and judicial processes so as to make them comply with relevant international standards.

(40% of the total mark)

4. Sri Lanka provides an example for socio-legal systems where the intersection of multiple and cross-cutting factors including religion, ethnicity, and poverty, exacerbate violation of the rights of children. Assume that you have been assigned to write a review on 'the intersection of Law, culture, and poverty in violating the rights of children in Sri Lanka', selecting one (1) area of Sri Lankan law where you think cultural pluralism and/or poverty severely undermine the interests of children. Your review should address the following:

- (i) Sri Lanka's obligations as a state party to key international instruments, (40% of the total mark)

- (ii) Drawing examples from at least one other comparative jurisdiction, suggest recommendations for legal and policy reforms that are necessary to strike a balance between protecting children's rights and cultural plurality in the selected area of law.

(60% of the total mark)
