

UNIVERSITY OF COLOMBO, SRI LANKA
FACULTY OF LAW
MASTER OF LAWS DEGREE PROGRAMME 2022/2024
REPEAT EXAMINATION – TRIMESTER III

(Gender Justice and Women's Rights Law – LLM 2254)
(Three Hours)

Total number of questions:04

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

1. Feminist legal theory (FLT) take different approaches to critique discrimination against women in law, policy, and institutional frameworks. While some theories focus on the law's impact on men and women, others go beyond to analyse negative implications of the law on women due to intersections between sex and other factors. Despite differences in approach, the common objective of FLT is to ensure substantive equality for women by eliminating all forms of discrimination against them.

Answer the following in light of the above statement:

- a) Analyse salient features of two feminist legal theories that take different approaches to achieve gender parity in law, citing key achievements and failures in each approach you chose. (40% of the total mark)
- b) Chose a Sri Lankan law which you think discriminates against women, and analyse the discrimination it causes using statistical data and/or judicial determinations and relevant international standards. Write a reasoned recommendation as to the best theoretical approach to reform the selected law so as to ensure substantive equality for women. (60% of the total mark)

2. Answer parts (a), (b), and (c) selecting on any **one (1)** of the following areas of law:

A. Marital rape

B. Sexual harassment at workplace

C. Political participation

- a. Analyse, in light of relevant global standards, the existing Sri Lankan law and the institutional framework from a gender equality perspective. (50% of the total mark)
- b. What are the non-law factors that have contributed to or hindered the development of the Sri Lankan law? (10% of the total mark)
- c. What recommendations would you make in reforming the Sri Lankan laws and institutional frameworks to align with the international standards? (40% of the total mark)

3. The realization of equal rights in all spheres of life depend a lot on the way the 'equality clause' of a constitution is interpreted and how the constitutionality of other statutes, policies and procedural frameworks are interpreted in light of the equality clause.

Critically review two (2) judicial determinations which have made an impact (negative or positive) on the rights of women through a restrictive or progressive interpretation in terms of gender equality, of the constitutional provisions and/or the constitutionality of a statute. (Each review will be marked out of 50%).

Your reviews should focus on the following aspects:

- i. The salient points of argument in the case that are relevant to the right to equality and non-discrimination; (30% of the mark)
- ii. The court's recognition or failure to recognize the discrimination/s against women in the law and structural barriers that prevented them from achieving *de facto* equality; (40% of the mark) and
- iii. The relevant international standards that the court referred to or should have referred to. (30% of the mark)

4. Sexual and gender-based violence (SGBV) cuts across many boundaries and structures, and remains a global concern. Adhering to international obligations and global trends, Sri Lanka has introduced some legal reforms to address SGBV. Yet, the number of incidents of SGBV, especially within domestic spheres, remains high.

Imagine that you are requested by a special parliamentary committee, which has been appointed to propose recommendations to revamp the Sri Lankan legal and institutional framework in order to combat SGBV in the country, to prepare a report focusing on following aspects:

- i. Analysing SGBV as a serious misuse of power over women and a violation of their human rights (identify and explain the rights); (40% of the total mark)
- ii. A brief description of the existing national legal and institutional framework relating to SGBV; (20% of the total mark)
- iii. An explanation of state obligations under relevant international instruments; (20% of the total mark) and
- iv. Recommendations for reforming the national legal and institutional framework relating to SGBV. (20% of the total mark)
