

**UNIVERSITY OF COLOMBO, SRI LANKA**  
**FACULTY OF LAW**  
**DEGREE OF MASTER OF LAWS IN PRIVATE AND COMPARATIVE LAW- 2024/25**  
**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**

Mary is a thirteen-year-old girl resides in the Southern Province with her mother Hema and five-year-old brother Nema. Mary's father Sarath left their home during COVID 19 and lives in a nearby village with a woman called Janaki. Hema, who suffers from chronic Asthma, was unable to secure any income and decided to send Mary as a 'stay at home house maid' in Western province. The house owner had told Hema that he would be able to pay Rs 20,000/- per month as Mary is too young and does not have any experience in her work. Hema agreed to his offer.

On a Sunday morning, Hema was informed by the local police that Mary has met with a fire accident at her work place and admitted to the hospital. When Hema saw Mary on ventilation, she noticed that Mary had burnt injuries all over her body. Hospital staff had told that Mary is four months pregnant. Being devastated by Mary's condition, Hema inquired from the duty doctor as to whether he could help her to terminate Mary's pregnancy. Speaking to the media over a WhatsApp call, the house owner, had denied sexual abuse allegations against him and told that he accepted to keep Mary at his house as Hema sought his help to handle Mary's affair with a married man in her village.

Assume that you have been retained by an independent research organization to provide a legal analysis report on the issues faced by Mary. You are expected to analyse Mary's rights that have been violated, and its impact upon her life and possible remedies that Mary could seek under the law. Your answer should be supported by relevant international and national legal standards and authorities.

(20 Marks)

### **Question 02**

Cardinal principles of the United Nations Convention on the Rights of the Child (UNCRC) elevate the child as a right holder and obliges the state parties to take appropriate legal, administrative and other measures to enable the child to enjoy his or her rights. Over the successive years of the UNCRC, these principles have been elaboratively interpreted and consciously developed across the globe to encapsulate various contemporary challenges that children face.

Critically analyze the above statement referring to the relevance and application of any two cardinal principles in responding to an identified contemporary challenge that children face in Sri Lanka or elsewhere. Your analysis should be supported by relevant legal authorities.

(20 Marks)

### **Question 03**

The Sri Lankan judiciary has shown keen interest in adopting compassionate and humane approach, as opposed to strict adherence to the adversarial requisites, when adjudicating disputes involving a child.

Do you agree? You are expected to support your answer by drawing illustrations from at least two decided Sri Lankan cases. Your answer should highlight the relevant international and national standards and authorities that the courts have referred to in deciding those cases and how the Sri Lankan judiciary has contributed to the advancement of child rights in the Sri Lankan legal and institutional landscape.

(20 Marks)

### **Question 04**

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

(A) Although considerable efforts have been taken to bring the juvenile justice system of Sri Lanka in par with the best practices pertaining to child – sensitive administration of justice, criticisms against the legal and institutional framework remain active due to lack of effective implementation.

You are expected to select any two recent developments relating the standard of treatment afforded to child offenders, child victims and witnesses in Sri Lanka and critically examine the above statement. Your answer should also propose recommendations to strengthen the juvenile justice system by drawing lessons from the best practices adopted in any other jurisdiction of your choice.

(20 Marks)

(B) You are expected to choose any two of the following challenges faced by Sri Lankan children and analyze how the state has responded to serve the 'best interest of the child'. You are also required to make recommendations for reform if the existing responses are insufficient or non – responsive by referring to relevant international standards where necessary

- i) cyber bullying
- ii) commercialized play areas
- iii) mental health

(20 Marks)

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