

**UNIVERSITY OF COLOMBO, SRI LANKA**  
**FACULTY OF LAW**  
**MASTER OF LAWS DEGREE EXAMINATION – SEMESTER II**  
**2024/2025**

**Children, Law, and Justice – LLM 12410**  
**(Three Hours)**

Total number of questions:04

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

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1. The rising rate of child suicides in Sri Lanka raises multi-faceted and cross-cutting issues, raising concerns regarding the child's inherent rights relating to life. Analysing this issue from a child rights-centred perspective, write a concept note for policy makers, emphasising the state responsibility to respect and protect their rights which you think are threatened of children who commit or attempt suicide. Structure your concept note as follows:

A. Introduction of the issue

(20 Marks)

B. Analysis

Two (2) key attributes that provide the baseline for the protection of the rights to life, survival and development of children on the verge of suicide

(60 Marks)

C. Recommendations for child rights-based legal and institutional measures to respect and protect the rights of such children.

(20 Marks)

(Total 100 Marks)

2. Nipun, the eldest of a family of four children, was ten years old when his father died due to Covid-19. His mother could not engage in any employment as she had to take care of her three younger children. Nipun started working as a labourer under a building contractor. He was severely under paid and over-worked. The poverty-stricken family sought help from Perera, a neighbour, to find better employment for Nipun. With Nipun's mother's consent, Perera takes Nipun to a house in Nugegoda saying that he will be tasked with 'house-boy' work, and will be sent to school as well. Perera takes Nipun to Silva's residence in Nugegoda where Silva gave Rs. 20,000/- to Perera. Silva asked Perera to keep Rs. 5000/- for him and to give 15000/- to Nipun's mother as the boy's monthly salary. Nipun is happy with his new place of work, even though he was not sent to school by Silva and was given leftover food to eat and had little time to rest. His only worry was that he never had an opportunity to see his mother and siblings. Ranil, the Child Development Officer for the area, receives a complaint regarding 'a boy employed at Silva's residence'. Ranil conducts an initial inquiry and, with the help of the police, takes Nipun, who is now 15 years old, to custody.

Advise Ranil on the following citing relevant domestic laws, policy and international instruments:

- a) Has any offence been committed by Silva and Perera? What are the relevant facts that can be produced as evidence to prove the offenses? Ranil is particularly concerned that Nipun had been happy at Silva's residence, in spite of not being able to attend school. He also seeks your advice on Silva's counter argument that Nipun had been working with his full consent. (50 Marks)

- b) Ranil, who identifies this as a grave problem in Sri Lanka, seeks your guidance to write an article explaining the violation of rights of many children in similar situations. (50 Marks)

(Total 100 Marks)

3. Answer both parts (A) and (B). Cite relevant legislation, case law, national policy and international instruments to elaborate your answer.

(A) Increasing availability and accessibility to rapidly advancing assisted reproductive techniques (ART) challenge states parties to UNCRC to fulfil their convention obligations to respect and protect the child's right to identity, status and know her/his parentage. Sri Lanka is no exception to this reality.

Critically analyse 3 key legal challenges that Sri Lanka has to encounter in striking a balance between these rights of children, and rights and obligations of parents, in a medico-social context where there is a high demand for surrogacy and artificial insemination, which are not sufficiently regulated within the domestic legal system.

(50 Marks)

(B) Critically analyse the inconsistencies in the Sri Lankan legal system regarding the rights and obligations of the *illegitimate child*.

(30 Marks)

(C) What recommendations would you make to ensure the right to equality of illegitimate children within the Sri Lankan legal framework?

(20 Marks)

(Total 100 Marks)

4. Answer both parts (A) and (B) citing relevant statutory provisions and international standards

Farah is a 17-year-old girl diagnosed with autism spectrum disorder (ASD) with a cognitive capacity (mental age) of an 8-year-old. She attends a special school and travels in a trishaw driven by a relative and accompanied by her mother Sadiya. While returning from school on a rainy day, Sadiya went to a supermarket to buy errands, leaving the girl in the trishaw. Upon her return the mother was shocked to find the relative-driver sexually molesting Farah inside the trishaw. Sadiya is fluent in Tamil, but is unable to communicate fluently in Sinhala or English. Farah can speak only a few words in English. Sadiya's

husband is employed abroad, and Sadiya lives with her in-laws. Answer the following questions citing relevant laws, structures, institutional frameworks and relevant international standards.

- (A) Explain (a) the rights of Farah that you think have been violated and (b) the legal and institutional measures that are available to Sadiya and Farah?

(20 Marks)

- (B) Critically analyse the Sri Lankan justice framework highlighting the challenges Sadiya and Farah would face.

(50 Marks)

- (C) Suggest two critical measures the state should take in order to enhance access to justice for children in Sri Lanka.

(30 Marks)

(Total 100 Marks)

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