

UNIVERSITY OF COLOMBO, SRI LANKA
FACULTY OF LAW
MASTER OF LAWS DEGREE PROGRAMME 2024/26
2nd Semester End Examination – 2025

Human Rights Law – LLM12406

(Three Hours)

Total number of questions: 04

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

1. 'The post-World War II era marked a paradigm shift in the recognition and protection of human rights, leading to the development of a universal human rights framework under the auspices of the United Nations. Since the adoption of the Universal Declaration of Human Rights (UDHR), international human rights law has progressively evolved through the core UN human rights conventions.'

Critically evaluate the process of universalisation of human rights in the post-World War II era, with particular reference to the development of the International Bill of Rights and the UN core human rights treaties.

(20 Marks)

2. Answer **EITHER a) OR b)**

a) International human rights law generally allows states discretion in how to implement treaty obligations. Earlier human rights instruments emphasised legislative measures in accordance with national constitutional processes. More recent treaties, however, prioritise the effective implementation of rights, regardless of the method used, thereby strengthening the obligation of result.

Critically discuss this evolution in the approach to domestic implementation of international human rights law, with reference to relevant treaty provisions.

(20 Marks)

OR

b) 'Regional human rights systems are generally considered more responsive and legitimate within their respective regions, as they address human rights issues with greater sensitivity to regional particularities. Moreover, these systems possess effective monitoring and enforcement mechanisms and uphold stronger standards than those achievable at the international level'.

Critically analyse the above statement in the context of a selected regional human rights system. Substantiate your answer with reference to relevant regional human rights instruments and case law.

(20 Marks)

3. Sathya, a 25-year-old university student and environmental activist from Serendib, has become well known on social media for voicing strong criticism of government policies. In early April 2025, she posted a video accusing a senior ministerial officer of authorising deforestation projects in exchange for personal benefits. The video attracted wide public attention and was quickly shared across multiple platforms. On the 5th of April, Sathya was arrested at her home by officers from a special police unit of Serendib. No warrant was presented, and she was not informed of the reason for her arrest. She was held in custody for two days without access to legal counsel or her family. During questioning, officers allegedly warned her against spreading false ideas that could incite social unrest. However, she was released without charges, and no official record of the arrest was provided. Sathya believes her arrest was intended to silence her activism and discourage others from speaking out. She notes that other individuals who made similar online comments were not subjected to arrest or questioning. Following her release, she experienced anxiety, reputational damage, and fear of further surveillance. Due to emotional stress and lack of legal guidance, Sathya consulted an attorney-at-law only on the 10th of May.

Advise Sathya on the legal implications of her situation based on the facts provided, taking into account that the constitutional and legislative frameworks in Serendib resemble those of Sri Lanka. In your response, consider the possible impact on her rights, any potential challenges she may face, and how the matter can be addressed through available domestic remedies.

(20 Marks)

4. 'States must ensure the well-being of the entire population and all individuals, based on their meaningful participation in development. Significantly, they have a duty not only to ensure the fair distribution of the benefits of development but also to guarantee participation in and contribute to the development process in a manner that enables the full realisation of all human rights and fundamental freedoms.'

Do you agree with the above statement? Substantiate your answer with reference to the international legal framework on the right to development and relevant case law.

(20 Marks)
