

EXAMINATION QUESTION PAPER – REASSESSMENT, 2014

Module code:	LL7012
Module title:	International Child Law and Human Rights Law
Module leader:	Anjana Bahl and Dita Gill

Date:	July/August 2014
Duration:	2 hours and 30 minutes

Exam type:	Part Seen/Unseen, Restricted
Materials supplied:	Examination question paper Answer booklet
Materials permitted:	Candidate's own unannotated copy of any international legal materials; English Language dictionary; English/Foreign Language dictionary. Dictionaries must be in book <u>not</u> electronic form. Law dictionaries are <u>not</u> permitted.
Warning:	Candidates are warned that possession of unauthorised materials in an examination is a serious assessment offence!

Instructions to candidates: Candidates will be required to answer both seen questions (Q1 and Q2) in Part A and one question, of your choice, from Part B (Q3 to Q5). In total answer three questions. All questions carry equal marks.
Where a question is divided into parts, the marks for the question will be awarded for overall merit and will not necessarily be divided equally between the parts.

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Part A

Answer **BOTH** seen questions 1 and 2

Question 1

The final text of the Optional Protocol on a Communications Procedure conveys the message that children's human rights are "mini rights" (statement made by the CRC Chairperson). That should come as no surprise. Almost twenty-five years after the UNCRC was ratified, we are still faced with the paradox that the most successful (in terms of near universal ratification) human's rights convention has in reality achieved very little.

Discuss.

Question 2

Tre's parents decide to send him to a private all-male boarding school at age 11. They believe that it will be better for Tre's intellectual development and future prospects. Tre is very attached to his older sisters and does not want to go, but his parents insist. The sisters attend a well-regarded local state school.

Tre is extremely unhappy at boarding school. Corporal punishment of no more than reasonable force is legal in the state, and is used in the school to discipline students to "toughen character and prepare our young men for life's challenges". Tre receives several severe beatings which leave welts and bruising for some days after. As a result, Tre develops psychological problems including anxiety attacks and aggressive "acting out". He is seen by his GP who notes the bruising and informs the police. She is told that it is not possible to prosecute an assault on the sole evidence of a child below age 12 at the time of the events.

The beatings stop when Tre turns 12 but Tre continues to suffer from teachers' verbal bullying. His psychological problems increase. Tre runs away from school and lives on the street until he is found and returned to school. Tre is placed in a locked "isolation room" for "his own protection" until he learns to "value the communal life offered by boarding school". Tre's psychological difficulties grow worse, and eventually his parents remove him from the school. It is a year before he is well enough to resume his studies at a local day school.

When he is 16, Tre asks the producer of a television series of investigative journalism to tell the story of his experiences at boarding school. The school is asked for its comments on the story and immediately seeks a court injunction to stop the programme being broadcast, on the basis that the views represented are those of a vulnerable young man who admits suffering emotional instability. The school points to its many former students pursuing high-powered careers, and says that "extremist scaremongering" will only

cause unnecessary alarm among new students starting at the school. The court accepts these arguments and grants the injunction.

Tre contacts you to ask if these events disclose any possible claims against the state for violation of his rights under the European Convention of Human Rights.

Advise Tre.

(You may assume that the state is party to the European Convention on Human Rights.)