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A-level **LAW**

Paper 3B Human Rights

Monday 15 June 2020

Afternoon

Time allowed: 2 hours

Materials

· You will need no other materials.

Instructions

- Use black ink or black ball-point pen.
- Fill in the boxes at the top of this page.
- Answer all questions. You must answer the questions in the spaces provided. Do not write on blank pages.
- Do all rough work in this book. Cross through any work you do not want to be marked.
- If you need extra space for your answer(s), use the lined pages at the end of this book. Write the question number against your answer(s).
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For Examiner's Use		
Question	Mark	
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Information

- The marks for questions are shown in brackets.
- The maximum mark for this paper is 100.

		Answer all questions in the spaces provided.	
For eac	ch o MET van	t to change your answer you must cross out your original answer as	s shown.
0 1		elect the false statement about Article 2 of the European Convention ne right to life).	n on Human Rights
	Δ	Article 2 does not create a right to die.	
		Article 2 may require the State to protect its citizens from environmental risks to life.	0
	С	Article 2 permits killing by agents of the State, such as the police, when they believe it to be reasonable.	0
	D	Article 2 requires independent investigation of deaths which occur because of the actions of agents of the State, such as the police.	0
0 2		elect the true statement about various aspects of the European Conghts (ECHR) and the European Court of Human Rights (ECtHR).	vention on Human [1 mark]
	A	A government minister responsible for a Bill in Parliament must publish a statement indicating whether a Bill is compatible with the ECHR.	0
	В	A person's reputation cannot be protected under the ECHR.	0
	С	Judges applying common law in English courts can ignore the ECHR.	0
	D	Only States can bring actions in the ECtHR.	0



0 3	Select the true statement about judges in criminal cases.	[1 mark]	outside box
		[i iliai k]	
	A Court of Appeal judges hear some appeals sitting with District Judges (Magistrates' Courts).	0	
	B Crown Court judges hear some appeals.	0	
	C District judges (Magistrates' Courts) sit with juries to try cases.	0	
	D Supreme Court judges try some cases and hear appeals on issues of law on others.	8 0	
0 4	Select the false statement about the independence of the judiciary.	[1 mark]	
	A It is difficult to remove superior judges from office.	0	
	B Judges cannot be sued for their decisions in cases, even if they make mistakes.	0	
	C Judges do not take part in cases in which they have any personal interest.	0	
	D The Lord Chancellor is the only government minister allowed to influence the decision of a judge in a case.	0	
0 5	Delegated legislation in the form of statutory instruments is subject to Select the true statement about controls on statutory instruments.	various controls. [1 mark]	
	A court can rewrite a statutory instrument if it decides that it was issued beyond the powers available to the minister.	0	
	B A statutory instrument issued by a local council has to be approved by a government minister.		
	C Many statutory instruments become law unless Parliament votes to reject them within a specified time (usually 40 days) of being issued.		
	D The Scrutiny Committee has the power to stop any proposed statutory instrument from becoming law.	0	5



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Police had evidence that Aiden had a history of serious violence towards Beth, his former partner. In a panic, Beth made an emergency call to the police, screaming that Aiden was breaking into her house, shouting that he was going to kill her. Police officers did not immediately go to Beth's house. Aiden attacked Beth and killed her.

a breach by the United Kingdom of Article 2 of the E	
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Callum and Darren had been friends since childhood. When younger, they had engaged in various kinds of racist behaviour but had never been cautioned or prosecuted and no public record of their behaviour now existed. However, Darren had kept racist material written by Callum. Eventually, Callum became a successful owner of a sales business with a strong reputation for promoting racial equality and diversity.

Recently, the relationship between Callum and Darren became very strained over comments made by Callum about Darren's wife. Darren was furious and threatened to publicise Callum's racist history, using the material that he still possessed.

Advise Darren on whether publication of Callum's racist history would amount to the tort of misuse of private information (breach of privacy) in English law.

In your answer, take into account the relevance of Article 8 (the right to respect for private life and correspondence) and Article 10 (the right to freedom of expression) of the European Convention on Human Rights. [10 marks]



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	In Question 09 you are required to provide an extended answer which shows a clea logical and sustained line of reasoning leading to a valid conclusion.
L	_aw now plays an important role in society in protecting and promoting human rights.
E	Examine the meaning and nature of 'human rights'. Discuss the reasons for regardin reedom of expression as a human right.
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In Question **10** you are required to provide an extended answer which shows a clear, logical and sustained line of reasoning leading to a valid conclusion.

|--|

Vale City Council published plans to connect two car parks at opposite ends of a popular park, by building a road through the park. Priya led a group outraged by the proposals. The group managed to get into a private meeting of the Council's planning committee and brought it to an end by persistent shouting.

Rose, Priya's local councillor, did not agree to support the group's protests. Priya delivered many notes and letters to Rose's house which suggested that Rose should be very careful not to support the building of the road, 'if you know what is good for you'. The letters also indicated that Rose was being 'watched' at all times.

Steve, one of the group, organised a protest march to the park which was intended to end in a demonstration at which there would be speeches and displays against the road building. However, the police intervened to stop the protest when a group of motorbikers in favour of the road began to accompany the march and fights broke out between the marchers and the motorbikers.

sing out of the incidents involving Priya, Rose, Steve and the group.	500 1 -1	
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In Question **11** you are required to provide an extended answer which shows a clear, logical and sustained line of reasoning leading to a valid conclusion.

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Two different housing areas bordered a park. Members of rival gangs from the housing areas sometimes fought each other in the park, where drug dealing was also rumoured to take place. Following complaints about noise and violence late one night, police officers went to the park and stopped and searched gang members, including Lucas. The police officers did not identify themselves or make a record of the search. The police officers found nothing on Lucas. Later, Lucas was furious about the way he had been treated.

The police officers then instructed members of one of the gangs to leave the park and deliberately escorted them to their housing area by a long route which took about an hour. All members of the gang were compelled to stay in the group and not allowed to stop. Throughout the walk to the housing area, Nathan protested, truthfully, that he had nothing to do with the gang and had merely been passing through the park when one of the police officers had forced him into the group. Police officers ignored his protests. Nathan finally lost patience and tried to force his way back out of the group. He was arrested and charged with assaulting a police constable in the execution of her duty.

Taking a human rights perspective, consider the rights, duties, liability and remedies of Lucas and Nathan, and of the police officers where relevant.

In relation to any trial of Nathan for the offence of assaulting a police constable, assess what options are open to Nathan to pay for any legal representation that he may need for the court case.

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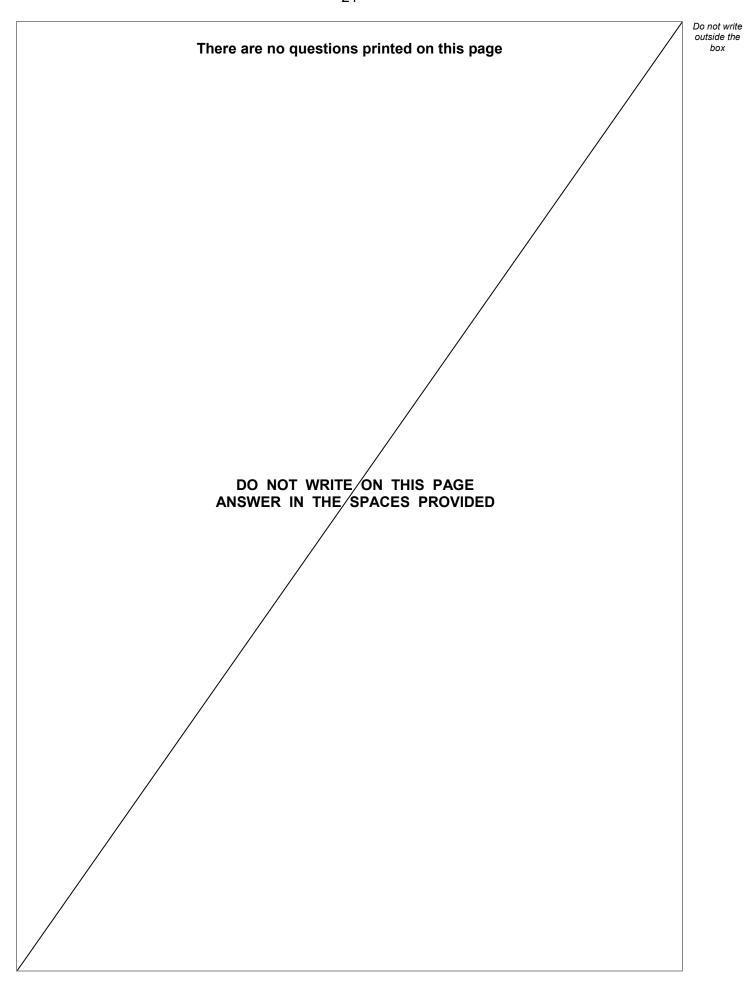
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A-level **LAW**

Paper 3B Human Rights

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0 1	Select the false statement about Article 2 of the European Convention on Human Rights (the right to life). [1 mark]			
	A It imposes a positive obligation on States to protect life.	0		
	B It imposes an obligation on States to have rules of law about liability for offences of homicide.	0		
	C It permits an exception when the killing is because a person refuses to obey a lawful instruction given by a police officer.	0		
	D It permits an exception where the killing is considered absolutely necessary in defence of another person from unlawful violence.	0		
0 2	Select the true statement about the effect of the European Convention on English law and the English legal system.	n on Human Rights [1 mark]		

	rules against another private individual in an English court.	0
В	An English Court must not apply a UK statute which it believes is in conflict with the law of the European Convention.	0
С	Judges can be sued for damages under the Human Rights Act 1998 if they fail to act as required by provisions of the European Convention.	0
D	The European Court of Human Rights always allows a 'margin of	

appreciation' to a State when considering whether the State has complied with a European Convention right.

A A private individual cannot directly enforce European Convention





0 3	Select the false statement about delegated legislation.		[1 mark]	bo
	A By-laws can be made by some public corporations as well as by local authorities.	0		
	B Delegated legislation is made by a person or body under powers given by the Government.	0		
	C The Scrutiny Committee can report on problems with delegated legislation but cannot make changes to it.	0		
	D The validity of delegated legislation can be challenged by an action for judicial review.	0		
0 4	Select the false statement about judges.		[1 mark]	
	A Circuit judges try criminal cases in the Crown Court with juries.	0		
	B High Court judges try criminal cases in the Crown Court with juries.	0		
	C Judges cannot be sued for defamation for things said about parties or witnesses in a criminal trial.	0		
	D Supreme Court judges can only be removed from office by the Prime Minister.	0		
0 5	Select the true statement about advice and funding in criminal cases.		[1 mark]	
	A A defendant in a criminal case cannot obtain public funding to defend the case.	0		
	B A duty solicitor is available to provide free representation for a defendant's appeal against conviction to the Supreme Court.	0		
	C An insurance agreement can be made which will fund the payment of a fine imposed on a defendant convicted of a criminal offence.	0		
	D Conditional fee agreements are not permitted in criminal cases.	0		5
	Turn over for the next question			



Explain three aspects of the rule of law.	[5 m
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Arvin, a police officer, saw Brett and Chas come out of a shop. Both were laughing and Arvin heard Brett say to Chas, "Did you see the way she went down when I punched her?" Arvin was aware of a woman screaming in the shop. He followed Brett, stopped him and asked for his name. Brett said, "Mouse, officer. But you can call me Mickey."

ould lawfully arrest Brett in these circumstances.	[5 marks
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Investigative journalists published a series of highly controversial articles alleging that vulnerable people were being exploited at work in East Town. Eventually, a number of persons were convicted of various offences connected with the exploitation.

Elena was a very vocal critic of the work of the journalists and of the convictions. Despite fury from many in the area, she expressed her views in every way possible. She asserted that journalists, lawyers and local government officials connected with the affair were involved in bribery and corruption. Some of those she accused were contemplating actions for defamation. Additionally, the police were considering prosecuting Elena for harassment offences.

Assuming that actions in defamation and prosecution for harassment offences go ahead, advise Elena on the use that she might make of Article 10 of the European Convention on Human Rights (the right to freedom of expression). [10 marks]



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In Question **10** you are required to provide an extended answer which shows a clear, logical and sustained line of reasoning leading to a valid conclusion.

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Deon and Faith founded 'Stopcar' to organise and participate in marches and demonstrations against the use of petrol and diesel fuel cars. These events were often violently opposed by another group, 'Oilheads', who insisted on their right to drive cars of any kind.

Deon and Faith spent two months planning a major protest event. The plan was to march to three petrol stations and occupy each one in turn for two hours. During that time, no car would be able to enter or leave. Deon gave the police only two days' notice of the event. The police then instructed Deon that Stopcar could march to one petrol station only and occupy it for one hour with no more than 20 protesters. As soon as the event was publicised, Faith received threats to her life from Oilheads if the event went ahead. She reported the threats to the police. However, the police made no special arrangements to protect her.

On the day of the event, Deon encouraged Stopcar protesters to ignore the restrictions. Fights with Oilheads members broke out when the protesters tried to follow their original planned route. The senior police officer present ordered all Stopcar protesters to end the march and disperse, and some were arrested when they refused. At that moment, Geri, an Oilheads member, ran up to Faith and stabbed her repeatedly, causing serious injury.

Taking a human rights perspective, consider the application of English law and the

European Convention on Human Rights to the incidents arising out of the events described.

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In Question **11** you are required to provide an extended answer which shows a clear, logical and sustained line of reasoning leading to a valid conclusion.

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Jack is now 22 years old. Completely unknown to him, he is the son of Karl, a convicted murderer who has been in prison for 21 years. Karl had shot and killed two unarmed and defenceless police officers as he made his escape following a robbery at a jewellery shop. By chance, Lucy, a reporter for The Clarion, a national newspaper, discovered Jack's true identity and offered him money if he would consent to a published interview. When Jack refused, Lucy wrote a sensationalised story about Jack, naming him as Karl's son.

In consequence, Jack suffered persecution at work causing him to react violently and lose his job. He also became the victim of much unpleasant and threatening comment on social media, forcing him to move home and change his identity. On a number of occasions, he was stopped and searched by police officers when there was no obvious reason for them to do so.

Taking a human rights perspective, consider what rights and remedies Jack may have against Lucy and The Clarion, and against the police, arising out of the incidents described.

Assess the contribution of different sources of law to the rules which you have explained

nd applied in considering Jack's rights and remedies.	[30 marks
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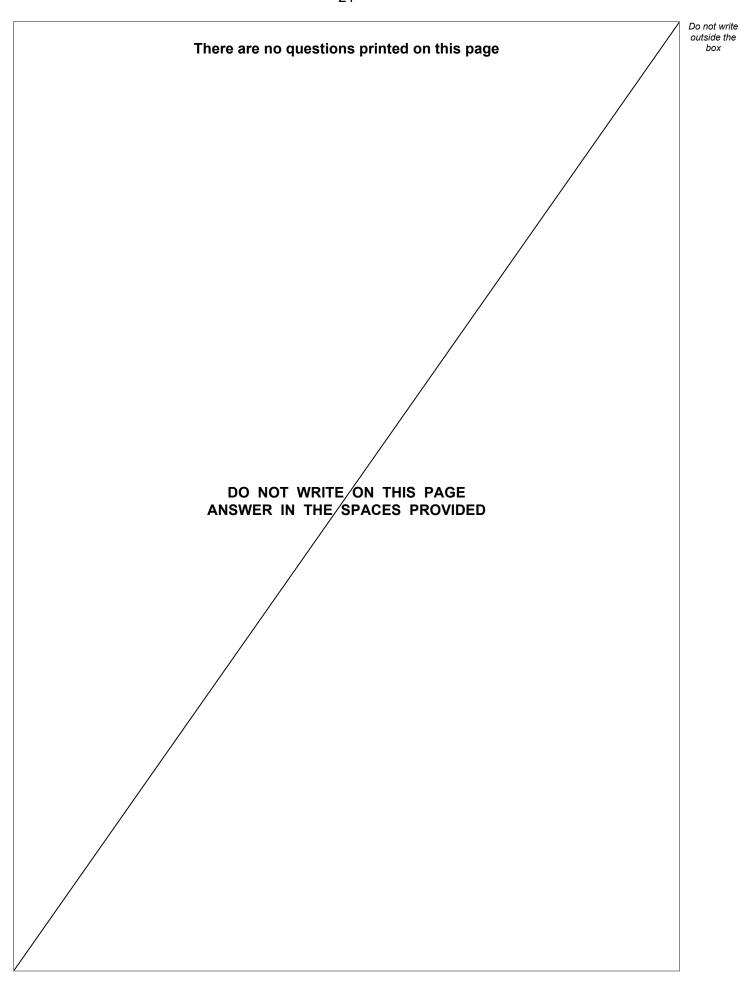
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END OF QUESTIONS







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A-level **LAW**

Paper 3B Human Rights

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CORRECT	METHOD WRONG METHODS	
If you w	vant to change your answer you must cross out your original answer as shown.	
_	vish to return to an answer previously crossed out, ring the answer you now wish	to select
as show		
0 1	Select the false statement about the European Convention on Human Rights.	[1 mark]
	A Most of the rights which the Convention guarantees are subject to exceptions.	
	B The European Court of Human Rights has generally interpreted Convention obligations very restrictively.	
	C The obligations that the Convention imposes are aimed primarily at States rather than at individuals.	
	D There is a greater 'margin of appreciation' in areas of law where there are significant cultural differences amongst States.	
0 2	Select the true statement about the effect on English law and the English legal statement convention on Human Rights.	system of [1 mark]
	A A claimant in England can always take a claim directly to the European Court of Human Rights without first bringing the claim in an English court.	
	B An English court cannot apply a provision of a statute that is incompatible with the Convention.	
	C An excessively large award of damages by a court may violate the right to freedom of expression under Article 10 of the Convention.	
	D Damages may be awarded against a judge who makes a decision which is not in conformity with provisions of the Convention.	



0 3	Select the false statement about the rule of law.		[1 mark]	outsid bo
	A As far as possible, the law should apply equally to all citizens.	0		
	B Citizens should be given as much access to the courts as is necessary.	0		
	C Public officials should be given maximum freedom to make decisions affecting the legal rights of citizens.	0		
	D The law should be written in language which is clear and accurate.	0		
0 4	Select the true statement about the independence of the judiciary.		[1 mark]	
	A High Court judges should take advice from a government minister when interpreting a statute.	0		
	B Judges cannot be prosecuted for committing criminal offences.	0		
	C Judges in superior courts cannot easily be removed from office.	0		
	D Judicial independence is not considered to be important for judges in lower courts.	0		
0 5	Select the false statement about delegated legislation.		[1 mark]	
	A It can be introduced to deal with emergency situations.	0		
	B It is generally well-publicised.	0		
	C It often saves time in law-making.	0		
	D It permits contributions from experts.	0		5
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Ava, Brett and Cian staged a peaceful demonstration against a plan to open a 'fast food' shop in a residential area. Residents reacted angrily to the demonstration, creating a threat of violence and disorder. The police stopped the demonstration on grounds of breach of the peace.

Suggest why, despite the threat of violence and disorder, the action by the policy probably a violation of the rights of Ava, Brett and Cian under Article 11 of the I right to freedom of assembly and association).	
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Dora was 75 years old and in poor health. She had been subjected to many incidents of verbal abuse and damage to her house and garden by a group of youths. She reported these incidents to the police on several occasions and expressed her fears that she might be subjected to more serious harm. The police made brief enquiries on two occasions but were unable to identify the youths and made no further efforts to do so. Subsequently, the youths broke windows in Dora's house and set her garden fence on fire. As a result, Dora suffered a heart attack and was seriously ill for some weeks.

With regard to Article 2 of the ECHR (the right to life), advise Dora of her right remedies against the police under the Human Rights Act 1998 ss 6–8.	
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In Qu logic	nestion 09 you are required to provide an extended answer which shows a clean all and sustained line of reasoning leading to a valid conclusion.
	ne the suggestion that the law has an important role to play in balancing conflic sts. Discuss the extent to which this role is evident in the context of human righ [15 m



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In Question **10** you are required to provide an extended answer which shows a clear, logical and sustained line of reasoning leading to a valid conclusion.

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Hakeem was a famous campaigner on consumer rights, criticising companies and individuals for fraudulent practices. However, following anonymous complaints to the police about him, the police began an investigation into suspected fraud by Hakeem himself.

Julian, an investigative journalist, received a tip-off from within the investigating police force. He was told that there would be a police raid on Hakeem's house at 5 am next day to arrest Hakeem and to search for and remove evidence. Julian went to Hakeem's house. He was able to photograph the raid, the arrest of Hakeem for questioning, and items being taken away.

Julian published a headline story the day after in a national newspaper, 'The Tempest', which included the photographs. When Hakeem was released pending further enquiries, his house was continually surrounded by journalists and members of the public. He was followed about and minor scuffles and violence occurred. However, the police refused to intervene to help him. Hakeem vigorously protested his innocence, but he was suspended from his well-paid job as a TV presenter. He also lost book contracts.

Taking a human rights parapactive, consider the application of English law and the

European Convention on Human Rights to the incidents described.	[20 mc = ::
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In Question **11** you are required to provide an extended answer which shows a clear, logical and sustained line of reasoning leading to a valid conclusion.

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On a busy Saturday afternoon at a theme park, several robberies and other violent incidents were reported. The reports were confused, but responsibility for the incidents was commonly attributed to a group of about six males and four females, estimated to be aged in their mid-20s. Many police officers attended. They ordered the closure of all rides and attractions, except for refreshments, and closed off all entrances and exits. Everyone was then instructed to form queues and to leave via two designated exits. Police officers carried out body and property searches of many visitors, though nothing was found.

The average time for a visitor to be allowed to leave was around two hours but some had to spend over three hours in the queue. One such person, Luca, who was 45 years old, was subjected to a very thorough search, despite his protests that he was present with family members at a birthday celebration. Kelsey, Luca's wife, was arrested for obstructing a police constable when she objected loudly to Luca's treatment. She was then held for a further hour in a police vehicle before being released without charge.

Taking a human rights perspective, consider the application of English law and the European Convention on Human Rights to the incidents described.

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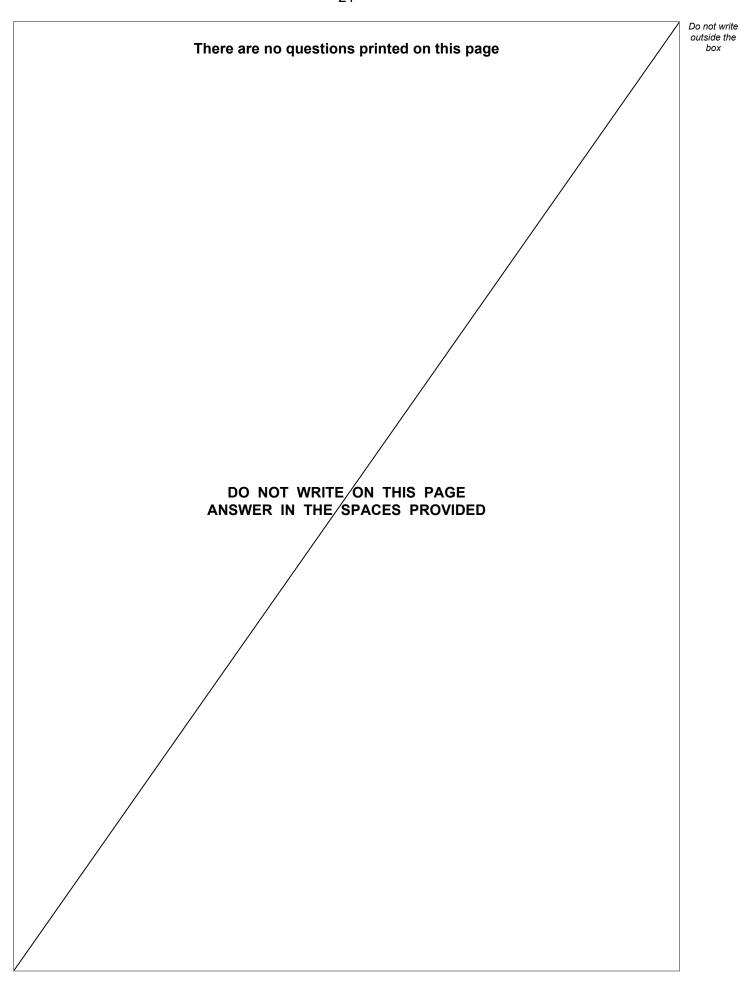


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A-level **LAW**

Paper 3B Human Rights

Monday 12 June 2023

Morning

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	Answer all questions in the spaces provided.
Only o ı	ne answer per question is allowed.
For eac	ch question completely fill in the circle alongside the appropriate answer.
CORRECT	METHOD WRONG METHODS
If you v	vant to change your answer you must cross out your original answer as shown.
If you was show	wish to return to an answer previously crossed out, ring the answer you now wish to select
0 1	Select the true statement about various Articles of the European Convention on Human Rights (ECHR).
	[1 mark]
	A A person will not be deprived of liberty under Article 5 of the ECHR unless movement is restricted to a very small area.
	B The right to freedom of expression under Article 10 of the ECHR is strongly protected in the case of journalists dealing with issues of public concern.
	C The right to respect for private life under Article 8 of the ECHR does not protect a person's right to reputation.
	D There are no limitations on the right to life under Article 2 of the ECHR.
0 2	Select the false statement about the European Court of Human Rights (ECtHR), the European Convention on Human Rights (ECHR), and the Human Rights Act 1998. [1 mark]
	A Claims can be brought in the ECtHR by individuals but not by States.
	B The ECtHR can award damages for a breach of ECHR obligations.
	C The Human Rights Act 1998 gives effect in English law to many,



law of ECHR law.

but not all, of the provisions of the ECHR.

D The Human Rights Act 1998 requires judges to take into account relevant ECtHR decisions when interpreting the effect on English

0 3	Select the true statement about proof of liability.		outside bo
0 0	delect the true statement about proof of hability.	[1 mark]	
	A The burden of proof in a civil case is on the claimant.	0	
	B The burden of proof in a criminal case is on the defendant.	0	
	C The standard of proof in a civil case is beyond reasonable doubt.	0	
	D The standard of proof in a criminal case is on the balance of probabilities.	0	
0 4	Select the false statement about the role of a judge (or judges) in a crit	minal case. [1 mark]	
	A A District Judge in the Magistrates' Court does not decide questions of fact.	0	
	B A judge in the Crown Court decides the sentence.	0	
	C Judges in the Court of Appeal can hear appeals against sentence.	0	
	D Justices of the Supreme Court decide questions of law.	0	
0 5	Select the false statement about delegated legislation.	[1 mark]	
	A The Scrutiny Committee (the Parliamentary Joint Select Committee on Statutory Instruments) can alter a statutory instrument.	0	
	B The Scrutiny Committee (the Parliamentary Joint Select Committee on Statutory Instruments) reviews statutory instruments.	0	
	C Under the affirmative resolution procedure, a statutory instrument will become law if approved by a vote in Parliament.	0	
	D Under the negative resolution procedure, a statutory instrument will become law unless rejected by a vote in Parliament.	0	5
	Turn over for the next question		



Explain two ways ii	n which the law tries	to acrileve judicion	ai ilidepelidelice	5. [5 ma
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0	7

After limited public consultation, Axebury City Council made significant changes to the road layout in the city. This resulted in many complaints of increased air and noise pollution. Axebury City Council refused to undertake any research into the effects of the changes. Bekka, an environmental campaigner, argued that relevant research was vital to a public debate about the changes.

Suggest why Axebury City Council's failure to undertake and publish the results of research into the effects of the changes is unlikely to be a violation of Bekka's right to freedom of expression under Article 10 of the European Convention on Human Rights. [5 marks]
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Cal was a well-known public figure much admired for his vigorous support, on ethical grounds, for veganism. Secretly, however, he had made substantial investments in companies around the world which specialised in animal products.

Whilst on business abroad, he messaged his partner, Della, with a photo of himself outside a factory owned by one of the companies, alongside the caption, "If they only knew back home!" By accident, Della 'shared' the photo in a message to a friend and then immediately asked the friend to delete it. Realising its significance, however, the friend passed the photo on to Eden, a journalist. Eden wanted to publish a story revealing Cal's hypocrisy over his support for veganism. Cal wanted an injunction to stop Eden from publishing the story.

Advise Cal of his rights against Eden, with reference to the tort of misuse of private information, and taking into account Article 8 (the right to respect for private life and correspondence) and Article 10 (the right to freedom of expression) of the European Convention on Human Rights. [10 marks]



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Turn over ▶



ogical and sustained line of reasoning leading to a valid conclusion. xamine the extent to which legal rules and moral rules are related. Discuss the extent high rules in Human Rights law reflect rules of morality.	egical and sustained line of reasoning leading to a valid conclusion. Examine the extent to which legal rules and moral rules are related. Discuss the extension rules in Human Rights law reflect rules of morality.		
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hich rules in Human Rights law reflect rules of morality.	nich rules in Human Rights law reflect rules of morality.		logical and sustained line of reasoning leading to a valid conclusion.
			Examine the extent to which legal rules and moral rules are related. Discuss the exter which rules in Human Rights law reflect rules of morality. [15 ma
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In Question **10** you are required to provide an extended answer which shows a clear, logical and sustained line of reasoning leading to a valid conclusion.

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Faisal was the organiser of a group strongly opposed to the views of Grace, the local MP, on issues of social justice. The group planned to gain entry into the very large garden of Grace's house to disrupt a fundraising event. The group then planned to march to a nearby public park and listen to speeches criticising Grace and her political party. Two days before the event, Faisal made an anonymous phone call to the local police station. He informed police of the date of the planned march to the public park but gave no details of the time and the route.

On the day, three members of the group forced an entry into Grace's garden, chained themselves to fencing and chanted protest slogans. The police were called and cut the protesters free, before arresting them 'to prevent further trouble'. The event was then able to continue after a delay of about an hour. Meanwhile, Faisal and about 30 other members of the group began their march to the public park. Some attempted to ignore instructions from a senior police officer as to the route that they should take and were arrested and removed. When the remaining members reached the public park, the area chosen was crowded with families. As a result, the senior police officer allowed only 10 members of the group to gather and limited the total time for speeches to one hour.

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In Question **11** you are required to provide an extended answer which shows a clear, logical and sustained line of reasoning leading to a valid conclusion.

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The police received a report of two men, both wearing black hoodies and one possibly armed with a gun, behaving suspiciously outside a jewellery shop. As they responded and reached the shop, police officers thought they heard a gunshot. At just that time, Hugh, who was wearing a blue hoodie, was passing the shop on his morning jog. The officers believed he was running away and called for him to stop. Hugh did not hear them and continued running. He suddenly found himself being roughly detained by the officers, who ignored his protests and arrested him on suspicion of robbery. He was held for two hours at a police station before being released without charge.

Meanwhile, other police officers had looked into the jewellery shop and had seen customers lying on the floor and two men putting items of jewellery into a bag. Armed officers then entered the shop and shouted at the men to put their hands up. One did, but the other, Ivan, reached down towards his pocket. One of the armed officers immediately shot Ivan in the chest and killed him. When Ivan's body was searched, a fake gun which could fire only blanks was found in his pocket.

A week earlier, the police had been warned by a usually reliable source that armed robberies of local businesses were being planned. However, the officer who should have followed up on this misplaced the information and it was not passed on to anyone else.

Taking a human rights perspective, consider the rights and remedies of Hugh and of Ivan's family, **and** the duties of the Police in relation to this incident.

Assess the extent to which the rules you have applied in relation to Ivan's death achieve

an appropriate balancing of the interests involved.

[30 marks]



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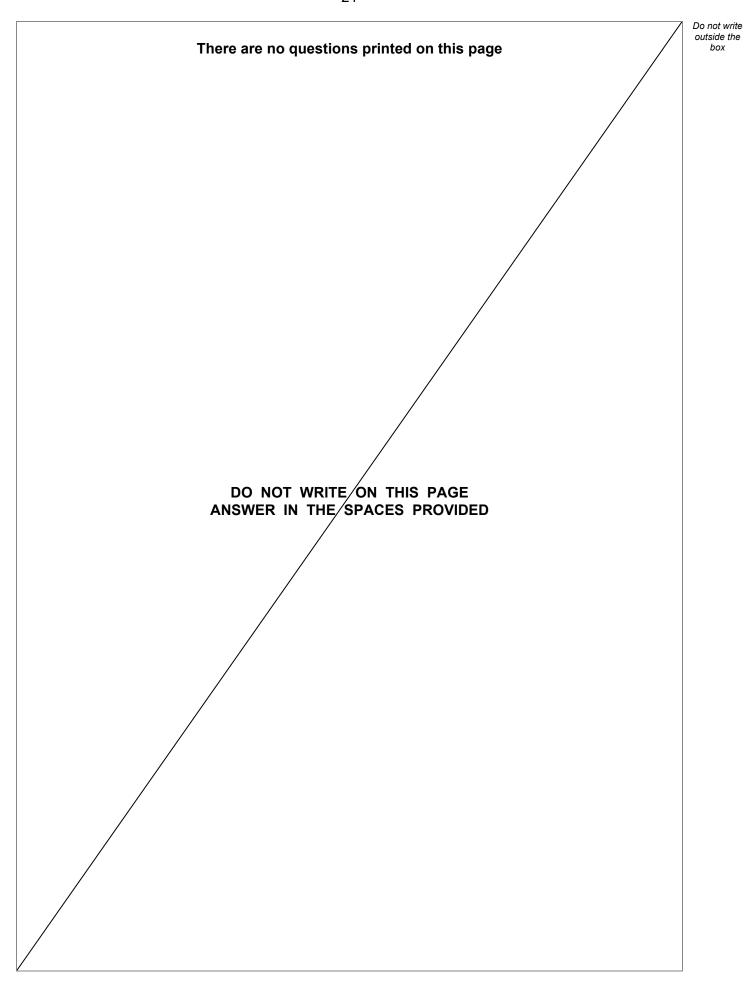
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Question number	Additional page, if required. Write the question numbers in the left-hand margin.
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