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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).
- Questions should be answered in continuous prose. Give reasoned

| answers. | where appropriate, | make reference to | cases, statutes |
|----------|--------------------|-------------------|-----------------|
| examples |                    |                   |                 |
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## Information

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

| For Exam | iner's Use |
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| Question | Mark       |
| 1–5      |            |
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|         |                    | Answer all questions in the spaces provided.   |                              |
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| For eac | ch o<br>MET<br>van | t to change your answer you must cross out your original answer as   | s shown.                     |
| 0 1     |                    | elect the <b>false</b> 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 <b>true</b> statement about various aspects of the European Conghts (ECHR) and the European Court of Human Rights (ECtHR).       | vention on Human<br>[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                            |
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| 0 3 | Select the <b>true</b> statement about judges in criminal cases.   | [1 mark]                   | outside<br>box |
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|     | A Court of Appeal judges hear some appeals sitting with District<br>Judges (Magistrates' Courts).  | 0                          |                |
|     | <b>B</b> Crown Court judges hear some appeals.   | 0                          |                |
|     | C District judges (Magistrates' Courts) sit with juries to try cases.  | 0                          |                |
|     | <b>D</b> Supreme Court judges try some cases and hear appeals on issue of law on others.   | S                          |                |
| 0 4 | Select the <b>false</b> statement about the independence of the judiciary.   | [1 mark]                   |                |
|     | A It is difficult to remove superior judges from office.   | 0                          |                |
|     | <b>B</b> Judges cannot be sued for their decisions in cases, even if they make mistakes.   | 0                          |                |
|     | <b>C</b> Judges do not take part in cases in which they have any personal interest.  | 0                          |                |
|     | <b>D</b> 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 <b>true</b> 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>B</b> A statutory instrument issued by a local council has to be approve by a government minister.  | d                          |                |
|     | <b>C</b> Many statutory instruments become law unless Parliament votes t reject them within a specified time (usually 40 days) of being issued.    | 0                          |                |
|     | <b>D</b> 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.

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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 <b>09</b> you are required to provide an extended answer which shows a clea logical and sustained line of reasoning leading to a valid conclusion. |
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| 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.

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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. | [00l      |
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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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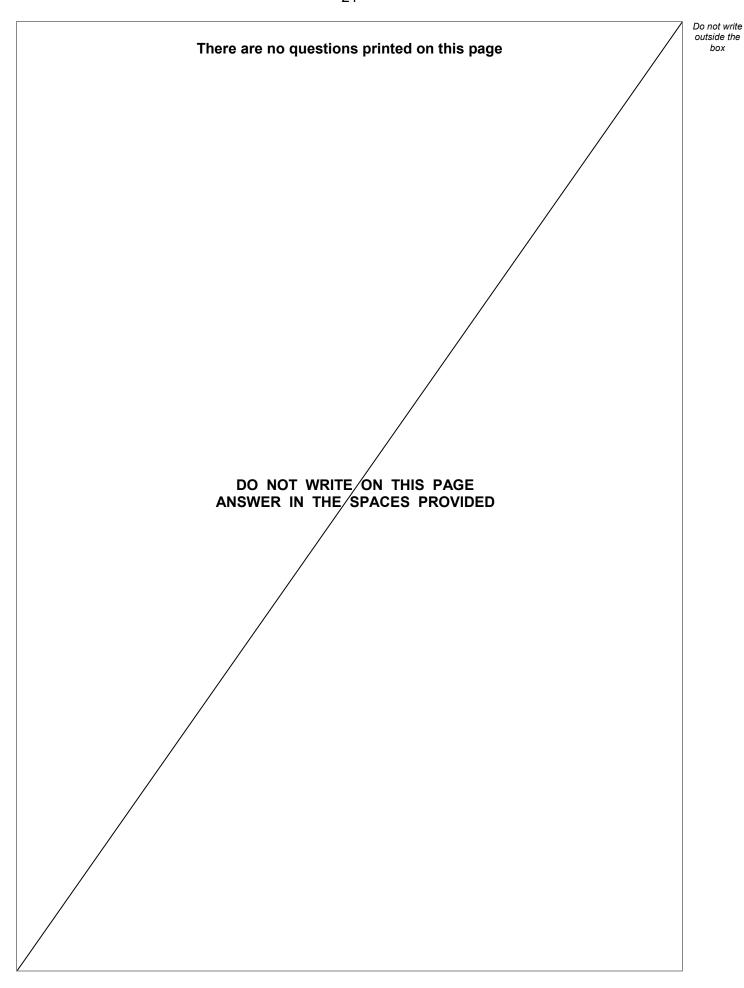
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