



GCE A level

1254/03

LAW – LA4

**UNIT 4: UNDERSTANDING LAW IN CONTEXT:
FREEDOM, THE STATE AND THE INDIVIDUAL
OPTION 3: FREEDOM OF THE INDIVIDUAL AND
PROTECTION OF HUMAN RIGHTS**

P.M. THURSDAY, 23 June 2011

2½ hours

ADDITIONAL MATERIALS

In addition to this examination paper, you will need a 12 page answer book.

INSTRUCTIONS TO CANDIDATES

Use black ink or black ball-point pen.

Answer **two** questions from Section A and **one** question from Section B.

INFORMATION FOR CANDIDATES

Each question carries 25 marks.

The number of marks is given in brackets at the end of each question or part-question.

You are reminded of the need for good English and orderly, clear presentation in your answers.

Assessment will take into account the quality of written communication used in your answers.

You are reminded that this paper contains a synoptic element in Section B and so will test understanding of the connections between the different elements of the subject.

UNIT 4: UNDERSTANDING LAW IN CONTEXT

OPTION 3: FREEDOM OF THE INDIVIDUAL AND PROTECTION OF HUMAN RIGHTS

SECTION A

*Answer **two** questions from this section.*

1. Examine the arguments for and against the introduction of a Bill of Rights into the United Kingdom. [25]

2. Consider whether the law of England and Wales provides sufficient protection against discrimination. [25]

3. Consider whether the law relating to the use of secret surveillance by the police contains sufficient safeguards to ensure that the powers to conduct surveillance are not misused. [25]

4. Evaluate the extent to which the tort of breach of confidence provides protection for individual privacy. [25]

SECTION B

Answer one question from this section.

5. Study the text below and answer the questions based on it.

“The Human Rights Act 1998 requires all primary and secondary legislation to be interpreted in a way which is compatible with the European Convention on Human Rights. However, the traditional approaches to statutory interpretation which were developed in the context of English and Welsh law are not always appropriate in our modern culture of respect for human rights. Judges who may originally have been trained to rely on the more traditional approaches when interpreting legislation are nowadays finding it necessary to adopt a more flexible attitude. This makes it all the more important to ensure that today’s judges are chosen from the widest possible pool of talent.”

- (a) Explain the role of the judges under the Human Rights Act 1998. [11]
- (b) Evaluate the process by which judges are selected. [14]

6. Study the text below and answer the questions based on it.

“On 28 June 2006 the Parliamentary Assembly of the Council of Europe adopted Resolution 1510 (2006) entitled “Freedom of expression and respect for religious beliefs”. The Resolution stresses the central importance in a democratic society of both freedom of expression and freedom of thought, conscience and religion. It points to the cultural and religious diversity found within the Member States, and adds that such diversity should be “a source of mutual enrichment, not of tension” as well as the basis for dialogue, understanding and respect (para. 5).”

- (a) Explain how freedom of religion is protected in the law of England and Wales. [11]
- (b) Evaluate the impact of the European Convention on Human Rights in protecting human rights within the United Kingdom. [14]