



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. WEDNESDAY, 23 January 2013

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 that 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 will test understanding of the connections between the different elements of the subject.

SECTION A

Answer two questions from this section.

1. Critically evaluate the powers of the police to carry out secret surveillance. [25]

2. “English and Welsh law adequately protects against discrimination.” Discuss. [25]

3. “The UK needs a Bill of Rights.” Discuss. [25]

4. Evaluate the extent to which the law on contempt of court ensures the right to a fair trial. [25]

SECTION B

Answer one question from this section.

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

While religious freedom is primarily a matter of individual conscience, it also implies freedom to manifest one's religion, alone and in private, or in community with others ... Article 9 lists the various forms which manifestation of one's religion or belief may take, namely worship, teaching, practice and observance.

Article 9 does not protect every act motivated or inspired by a religion or belief. In democratic societies, in which several religions coexist in one and the same population, it may be necessary to place restrictions on freedom to manifest one's religion or belief in order to reconcile the interests of various groups and ensure that everyone's beliefs are respected.

Adapted from Sahin v Turkey, Judgement of the European Court of Human Rights (2005)

- (a) Explain the protection of religion provided by the European Convention on Human Rights. [11]
- (b) Evaluate the importance of the European Convention on Human Rights in the law of England and Wales. [14]

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

“Until the Human Rights Act 1988 ... there could be no basis for questioning an Act of Parliament by court proceedings. Under the 1998 Act, the courts still cannot say that an Act of Parliament is invalid. But they can declare that it is incompatible with the human rights of persons in this country. Parliament may then choose whether to maintain the law or not. The declaration of the court enables Parliament to choose with full knowledge that the law does not accord with our constitutional traditions.”

Lord Hoffman in A & Others (2002)

- (a) Explain what is meant by a ‘declaration of incompatibility’. [11]
- (b) Evaluate the use of the purposive approach to statutory interpretation in the law of England and Wales. [14]

END OF PAPER