



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. TUESDAY, 17 June 2014

2 hour 30 minutes

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.

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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.

Option 3: Freedom of the Individual and Protection of Human Rights

SECTION A

Answer two questions from this section.

1. “The introduction of a Bill of Rights would overcome the limitations of the Human Rights Act 1998.” Discuss. [25]

2. To what extent does the Equality Act 2010 provide a comprehensive system of protection against unjustifiable discrimination? [25]

3. To what extent does the law of England and Wales provide citizens with protection against intrusion into their privacy by the media? [25]

4. “The safeguards surrounding the powers of the police to conduct secret surveillance are inadequate.” Discuss. [25]

SECTION B

Answer one question from this section.

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

“Freedom of speech is the lifeblood of democracy. The free flow of information and ideas inform political debate. It is a safety valve: people are more ready to accept decisions that go against them if they can, in principle, seek to influence them. It acts as a brake on the abuse of power by public officials. It facilitates the exposure of errors in the governance and administration of justice of the country ...”

Lord Steyn in *R v Secretary of State for the Home Department, ex p. Simms* [2000] 2 AC 115 at 126.

- (a) Explain how freedom of speech is protected in the law of England and Wales. [11]
- (b) Evaluate the role of the courts in upholding the Rule of Law. [14]

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

“The European Court of Human Rights treats the Convention as a living instrument which must be interpreted in the light of present day conditions. This means that the doctrine of precedent does not operate in the way that *stare decisis* operates in Common Law jurisdictions. Instead, the Court regards its previous decisions as a starting-point rather than as binding precedent, and any part of the judgement may provide guidance for the interpretation of the Convention in later cases.”

- (a) Explain the nature of the European Convention on Human Rights. [11]
- (b) Evaluate the operation of judicial precedent in the law of England and Wales. [14]

END OF PAPER