



GCE A level

1254/03



S15-1254-03

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. FRIDAY, 19 June 2015

2 hours 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.

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. To what extent would the protection of human rights in the United Kingdom be affected if the Human Rights Act 1998 were abolished? [25]

2. “The Equality Act 2010 cannot guarantee protection against every kind of discrimination, but it sends a clear message that the most blatant forms of discrimination are no longer tolerated.” Discuss. [25]

3. Critically evaluate the extent of the protection given to freedom of religion in the law of England and Wales. [25]

4. Consider whether the legal controls over the use of secret surveillance by the police are strong enough to protect the privacy of innocent people. [25]

SECTION B

Answer one question from this section.

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

One of the lessons of the Leveson Inquiry is just how difficult it is to preserve the freedom of the press – vital in any modern, democratic society – and at the same time, to protect the privacy of individual citizens. It has often been said that there is no right to privacy in the law of England and Wales. However, the courts have gone some way towards protecting individual privacy through the development of breach of confidence. This is an example of judicial law-making at its best. Here, the system of judicial precedent has produced principles of law which are both robust and flexible. This suggests that in certain areas at least, judicial precedent may have some advantages over legislation.

- (a) Explain how breach of confidence can be used to protect privacy. [11]
- (b) Evaluate the advantages and disadvantages of judicial precedent. [14]

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

The idea seems to have grown up that there is something distasteful and perhaps even “un-British” about the notion of fundamental human rights. Those sections of the Press which claim to reflect the public mood seem to find difficulty with the notion that there is a basic level of decent treatment to which everyone is entitled, simply by virtue of being human. Admittedly, the idea that everyone is equally valuable becomes hard to maintain when resources are limited and distinctions are made between the deserving and the undeserving. However, it was in just such a climate of austerity that the European Convention on Human Rights was created, and its high ideals are just as relevant today.

- (a) Explain the purpose of the European Convention on Human Rights. [11]
- (b) Evaluate the arguments for and against a Bill of Rights in the United Kingdom. [14]

END OF PAPER