

UNIVERSITY COLLEGE LONDON

University of London

EXAMINATION FOR INTERNAL STUDENTS

For The Following Qualification:-

LL.B.

LL.B. Part II: Civil Liberties and Human Rights in The United Kingdom

COURSE CODE : LAWSII35

DATE : 15-MAY-03

TIME : 10.00

TIME ALLOWED : 2 Hours 30 Minutes

CIVIL LIBERTIES AND HUMAN RIGHTS IN THE UNITED KINGDOM

Answer **THREE** questions. Where there is an overlap between your answers on questions to this paper and your assessed essay, no credit will be given for mere repetition of material from your assessed essay.

1. “Human rights do not need instrumental justifications. They are inherent in and essential to the notion of what it is to be a human being.”

Discuss.

2. “Cultural relativism is usually an excuse for ignorant barbarism or dictatorial oppression. It is time for the universal value of human rights to be asserted without deference to the claims of cultural relativism.”

Discuss.

3. “While a common law constitutional right may appear to some to be a contradiction in terms, the English judiciary appear to have laid the intellectual foundations for the development of a new common law constitutional jurisprudence.”

Discuss.

4. “It was culpably negligent for the legislators not to define with precision a public authority and a function of a public nature in the Human Rights Act 1998. The consequence is that we shall be litigating for years on the exact scope and application of the convention rights.”

Discuss.

5. “Protecting the rights of disadvantaged groups to equal treatment is a particularly appropriate rationale for judicial intervention to uphold human rights: however, the Human Rights Act gives very limited scope for such intervention.”

Discuss.

TURN OVER

6. "European Community law not only lacks a clear and effective human rights code, but has also failed to clarify the place in European Community law of the rights protected in the European Convention on Human Rights. The Charter of Fundamental Rights of the European Union does little to remedy this situation."

Discuss.

7. "The failure of the United Kingdom judiciary to develop a free standing action in tort for breach of privacy is one of the less successful aspects of the incorporation of the convention under the Human Rights Act 1998."

Discuss.

8. "Recent developments in the law of defamation suggest that the Courts are beginning to recognise the special status of freedom of speech."

Discuss.

9. "Making public authorities liable in tort for violations of convention rights may satisfy the principle of equality in bearing the burden of conferring a public benefit, but it may also severely impede the efficient functioning of public services."

Discuss.

10. "Article 3 of the European Convention on Human Rights has such a wide scope and is of such gravity that its application in many situations is wholly disproportionate to the nature of the harm."

Discuss.

END OF PAPER