

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 : 14-MAY-04

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. “The failure of the UK to sign and ratify Protocol 12 to the ECHR means that the system of human rights protection provided for by the Human Rights Act 1998 is incomplete.”

Discuss.

2. “European Community law has been characterised by a failure to take the protection of human rights seriously.”

Discuss.

3. Answer **BOTH** a) **AND** b):

- a) Anthony, the headmaster of Blairshire Comprehensive School, has recently left Brenda, his wife of ten years, for Colleen, a former pupil of his who is nineteen and studying at the local third-level college. The local paper, the Blairshire Daily Advertiser, decides to publish this story on its front page. Anthony wants to stop the paper publishing this story and seeks legal advice.

Advise Anthony.

AND

- b) Do you consider that English law has struck an appropriate balance between the right to freedom of expression and the right to privacy?
4. Discuss whether it is appropriate to apply international human rights norms differently in different cultural contexts, with reference to specific examples.
5. “The test of what is degrading has been so diluted by the jurisprudence of the European Court of Human Rights that the serious nature of a violation of Article 3 of the Convention has been diminished, thereby devaluing the worth and effect of Article 3.”

Discuss.

TURN OVER

6. Answer **EITHER** a) **OR** b)

- a) Discuss the difficulties raised by the provision in Section 6 of the Human Rights Act 1998 that it is unlawful for a person (other than a standard public authority) exercising a function of a public nature to act incompatibly with Convention rights unless the nature of the act is private.

OR

- b) What criteria should the courts apply in determining whether a body is a standard public authority, and whether a function is of a public nature?

7. “It is arguable that the scope of Article 6 of the European Convention on Human Rights has been expanded excessively, so that it now applies to far too broad a range of bodies who cannot reasonably be expected to meet the requirements of Article 6.”

Discuss.

8. “Human beings have human rights by virtue of being human.”

Discuss.

9. “The Human Rights Act 1998 should be seen as part of a gradual shift in UK law in recent years towards the greater protection of civil liberties and human rights, and may not mark the end of this process.”

Discuss.

END OF PAPER