

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-06

TIME : 10.00

TIME ALLOWED : 2 Hours 30 Minutes

CIVIL LIBERTIES AND HUMAN RIGHTS IN THE UNITED KINGDOM

Answer any **THREE** of the following nine questions.

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

1. “A fundamental lack of agreement exists as to how to give effect in law to the right to equal treatment, and this has ensured that a lack of clarity and consistency is reflected in the Article 14 case law of the European Court of Human Rights and the UK courts.”

Discuss with reference to case law.

2. “The jurisprudence of the European Court of Human Rights fails to establish the clear and rigorous standards that are necessary to give real teeth to the Article 6 right to a fair trial.”

Discuss with reference to case law.

3. “The use of torture and other forms of brutal treatment of prisoners by states may be necessary in extreme circumstances.”

Do you agree with this statement?

4. To what extent does the case law of the European Court of Human Rights impose on states positive obligations to respect private and family life?

TURN OVER

5. Answer **EITHER** a) **OR** b):

- a) The Joint Committee on Human Rights has proposed that: "A function should be regarded as being public in nature when it is performed as part of a programme established by government or the state in the public interest". (Seventh Report 2004-05, para. 138).

Discuss with reference to case law.

OR

- b) "The rights under the ECHR should have direct horizontal effect. The courts can then develop ways of balancing the rights and interests of private parties such as landlords and tenants, employers and employees, care homes and their residents. Only in this way can the potential for private bodies to abuse positions of power that they may have over vulnerable people be minimalised."

Discuss with reference to case law.

6. "Terrorist emergencies justify extensive and far-reaching security measures that may legitimately restrict the enjoyment of fundamental rights: to expect the UK courts to adopt a restrictive approach to such emergency measures is to emphasise concern for abstract ideals over common sense."

Discuss with reference to case law.

7. "Human rights occupy at best a marginal place in European Community Law."

Discuss with reference to case law.

8. "Neither hate speech nor commercial speech enjoys the full protection of Article 10 of the ECHR."

Discuss with reference to case law. Should these types of expression be strongly protected?

9. "Accommodating a diversity of cultures, religions and belief systems in a multicultural society may be incompatible with a commitment to a universal set of human rights."

Discuss with reference to case law and examples of legal disputes where appropriate.

END OF PAPER