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Centre number

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Candidate number

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Surname

Forename(s)

Candidate signature

A-level LAW

Paper 3B Human Rights

Monday 17 June 2019

Afternoon

Time allowed: 2 hours

Materials

- You will need no other materials.

Instructions

- Use black ink or black ball-point pen.
- Fill in the boxes at the top of this page.
- Answer **all** questions. You must answer the questions in the spaces provided. Do **not** write on blank pages.
- Do all rough work in this book. Cross through any work you do not want to be marked.
- If you need extra space for your answer(s), use the lined pages at the end of this book. Write the question number against your answer(s).
- Questions should be answered in continuous prose. Give reasoned answers. Where appropriate, make reference to cases, statutes and examples.

For Examiner's Use	
Question	Mark
1–5	
6	
7	
8	
9	
10	
11	
TOTAL	

Information

- The marks for questions are shown in brackets.
- The maximum mark for this paper is 100.



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Answer **all** questions in the spaces provided.

Only **one** answer per question is allowed.

For each answer completely fill in the circle alongside the appropriate answer.

CORRECT METHOD



WRONG METHODS



If you want to change your answer you must cross out your original answer as shown.



If you wish to return to an answer previously crossed out, ring the answer you now wish to select as shown.



0 1

Select the **true** statement about the fact that the European Court of Human Rights ('the Court') treats the European Convention on Human Rights ('the Convention') as a 'living instrument'.

[1 mark]

- A** The Court considers that it can add new Articles to the Convention.
- B** The Court considers that it can ignore differing traditions and cultures across member states.
- C** The Court considers that it should attempt to interpret the Convention in a way which recognises changes in society across member states.
- D** The Court considers that it should ignore earlier interpretations of the Convention when deciding new cases.

0 2

Select the **true** statement about the impact of the European Convention on Human Rights ('the Convention') on English law.

[1 mark]

- A** A court is not a 'public authority' within the meaning of the Human Rights Act 1998 when interpreting English law to which the Convention may apply.
- B** A court must interpret rules of common law in such a way as to take into account relevant provisions of the Convention.
- C** A court must not apply a provision of an Act of Parliament which is incompatible with a provision of the Convention.
- D** A court must not interpret an Act of Parliament in a way that Parliament probably did not intend simply to make it compatible with a provision of the Convention.



0 3

Select the **false** statement about the institutions of the European Union.

[1 mark]

- A** The Council of the European Union has law-making powers.
- B** The European Commission has an important role in enforcing European Union law and policies.
- C** The European Court of Justice is the final court of appeal on all law for all member states.
- D** The European Parliament has law-making powers.

0 4

Select the **false** statement about the rule of law.

[1 mark]

- A** It cannot operate properly if the Government can easily interfere with decisions made by judges.
- B** It encourages law makers to produce laws which are as clear and comprehensible as possible.
- C** It prevents judges from making decisions on cases in which they have a personal interest.
- D** It supports attempts by governments to limit access to the civil justice system by reducing state funding for bringing claims.

0 5

Select the **true** statement about delegated legislation.

[1 mark]

- A** A court may declare delegated legislation invalid if it is not within powers granted to a minister by the enabling Act.
- B** By-laws can only be made by local authorities.
- C** In any year, there are about as many Acts of Parliament as there are pieces of delegated legislation.
- D** To become law, statutory instruments must be approved by both Houses of Parliament by way of the affirmative resolution procedure.

5

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0 6

Explain **two** ways in which the law tries to ensure the independence of the judges.

[5 marks]

Extra space

5



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0 7

Alicia was a well-known commentator on public affairs with controversial views on many social and political issues. However, she had always kept her personal life very private. A guest at a small party held at Alicia's house secretly photographed her whilst Alicia was partly naked. The photographs were then sold to a tabloid newspaper which proposed to publish them.

Suggest why it would probably be a violation of Alicia's right to respect for private life under Article 8 of the European Convention on Human Rights if the newspaper did publish the photographs.

[5 marks]

Extra space

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In Question **09** you are required to provide an extended answer which shows a clear, logical and sustained line of reasoning leading to a valid conclusion.

0 9

From a human rights perspective, it is important that both the right to freedom of expression and the right to respect for a person’s reputation should be preserved.

Examine the role of law in balancing conflicting interests. Discuss the extent to which the English law of defamation can achieve a satisfactory balance between freedom of expression and protection of reputation.

[15 marks]



In Question 10 you are required to provide an extended answer which shows a clear, logical and sustained line of reasoning leading to a valid conclusion.

1 0

Chris and his followers formed a group which was passionately opposed to all exploitation of animals, whether for pleasure or for profit. Chris drew up a plan of action for all members of the group, and hoped to attract the participation of many more members of the public.

The plan proposed three different kinds of activity. First, they would march through the centre of town on a very busy weekend, ending with a demonstration at a very popular zoo with a petition to demand the zoo's closure. Second, they would persistently obstruct and abuse workers entering or leaving a factory which processed animal products. Third, they would invade land on which events such as horse racing were being held to try to force cancellation of the events.

Taking a human rights perspective, consider the rights, duties and any possible remedies that might arise if the proposed activities were carried out. Include in your answer consideration of:

- powers that the police may have to control the march and demonstration
- criminal offences that may be committed in carrying out the second and third activities
- how the relevant provisions of the European Convention on Human Rights (as given effect in English law by the Human Rights Act 1998) may affect the rights, duties and possible remedies of all involved.

[30 marks]



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In Question 11 you are required to provide an extended answer which shows a clear, logical and sustained line of reasoning leading to a valid conclusion.

1 1

Dev, who was 17 years old, was a reluctant member of a gang which engaged in drug dealing and which had been responsible for murders in defending its 'territory' against rival gangs. Dev informed the police of his fear that his life was in danger from one of his own gang, Ed, who doubted Dev's loyalty to the gang. The police indicated that no help was available unless he revealed all the criminal activities of the gang.

The police received information from a usually reliable source that a rival gang intended to attack Dev's gang using weapons including guns. However, in planning the operation to disrupt the attack, the senior police officer made errors about the time and the place. In consequence, the police were late arriving on the scene and the chain of command of armed police officers broke down. Ferdy, a gang member, was shot and killed by a police officer. A police car being driven far too fast in the narrow streets close to the attack collided with, and seriously injured, Gaz, an innocent passer-by.

During the chaos that followed from the attack and the police response, Ed took the opportunity to stab Dev, leaving him in a permanent vegetative state.

Consider the application of human rights law to the incidents described, including the duties of the police and other authorities, **and** the rights, and any possible remedies, of Dev, Ferdy and Gaz.

Assess the meaning and significance of classifying the right to life as a fundamental human right.

[30 marks]

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