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# PAPER THREE – HUMAN RIGHTS

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REVISION BOOKLET



WOODKIRK ACADEMY

**Question 1-5 – These will always be multiple choice questions. They can be about anything from this paper – ELS/theory/human rights/enforcement. You should only spend one minute per question. (1 mark)**

<p><b>Which of the following is not part of Dicey’s rule of law?</b></p> <p>A. An absence of arbitrary power          B. The law must be supreme          C. The law must be fair          D. Everyone must be equal before the law</p> <p>[1 mark]</p>	<p><b>Select the true statement concerning the application of the rule of law in criminal cases.</b></p> <p>A. Can be imprisoned without a trial          B. Must have a fair trial          C. Should be accessible and affordable          D. Should be allowed to claim compensation</p> <p>[1 mark]</p>
<p><b>Select the false statement concerning the application of the rule of law in substantive law.</b></p> <p>A. Courts can impose a higher penalty than the maximum          B. Law is aimed at protecting people and property          C. All rights apply without discrimination          D. Everyone has the right to claim compensation for breaches of law</p> <p>[1 mark]</p>	<p><b>Which one of the following is not a reason for delegated legislation?</b></p> <p>A. Local expertise          B. Saves tax payers money          C. Specialist knowledge on technical matters          D. Lack of parliamentary time</p> <p>[1 mark]</p>
<p><b>Select the true statement concerning when statutory instruments are made</b></p> <p>A. In times of national emergency          B. Transferring responsibility between government departments          C. Dealing with foreign affairs          D. Updating laws to changing circumstances</p> <p>[1 mark]</p>	<p><b>Which one of the following best defines the two types of resolution?</b></p> <p>A. There is positive and negative resolution          B. There is positive and reformative resolution          C. There is affirmative and negative resolution          D. There is affirmative and reformative resolution</p> <p>[1 mark]</p>
<p><b>Which of the following is the principal law making body of the EU?</b></p> <p>A. Commission          B. European Parliament          C. Court of justice of the EU          D. Council of the EU</p> <p>[1 mark]</p>	<p><b>Which of the following is not a source of European Union Law?</b></p> <p>A. Treaties          B. Orders          C. Regulations          D. Directives</p> <p>[1 mark]</p>
<p><b>Which of the following is a disadvantage of delegated legislation?</b></p> <p>A. Drafted by unelected civil servants, the Queen and the privy council who aren’t elected          B. There’s no control over delegated legislation          C. Creation of delegated legislation is time consuming          D. Delegated legislation does not allow the law to adapt</p> <p>[1 mark]</p>	<p><b>Which of the following is not an impact which EU law has had on England and Wales?</b></p> <p>A. EU has the right to decide whether EU law or national law prevails          B. EU law takes precedence over national law          C. EU law doesn’t take precedence over national law          D. EU law still takes precedence even where a member state has enacted its own law contradicting EU law</p> <p>[1 mark]</p>
<p><b>What percentage of EU member states need to vote in favour of a law for it to be passed?</b></p> <p>A. 51%          B. 55%          C. 60%          D. 65%</p> <p>[1 mark]</p>	<p><b>How long are MEP’s elected for?</b></p> <p>A. 1 year          B. 3 years          C. 5 years          D. 7 years</p> <p>[1 mark]</p>

<p><b>In delegated legislation, which element isn't specified in the parent act?</b></p> <p>A. Who makes the delegated legislation  B. What they make that delegated legislation about  C. When they need to make the delegated legislation  D. How they must make the delegated legislation</p> <p>[1 mark]</p>	<p><b>During the resolution process, how many days do Parliament have to check the delegated legislation?</b></p> <p>A. 20  B. 40  C. 30  D. 60</p> <p>[1 mark]</p>
<p><b>Of the 28 judges in the CJEU, how many sit in a full court?</b></p> <p>A. 9  B. 11  C. 13  D. 15</p> <p>[1 mark]</p>	<p><b>Which institution of the EU decides whether to admit new states?</b></p> <p>A. Council of the EU  B. EU commission  C. European parliament  D. CJEU</p> <p>[1 mark]</p>
<p><b>Which of the following is not a role of a High Court judge?</b></p> <p>A. Sit in court of appeal with Lord Justice of Appeal  B. Hear final appeals that involve a point of law of 'general public importance'  C. Appointed to specific divisions of High Court  D. Go on circuits of the Crown Court as a Queen's Bench judge</p> <p>[1 mark]</p>	<p><b>Select one false statement concerning judges in Criminal Courts.</b></p> <p>A. Hold pre-trial hearings where they decide bail  B. Maintain order in the court room  C. Assess evidence on the balance of probabilities  D. Summarise evidence and relevant legal issues</p> <p>[1 mark]</p>
<p><b>Select the one true statement about independence from the executive</b></p> <p>A. Allows judges to make decisions against the government without fear  B. Allows judges to perform duties without repercussions  C. Judges must be completely impartial when making decisions  D. Judicial independence is promised under s.3 Constitutional Reform Act 2005</p> <p>[1 mark]</p>	<p><b>Which of the following statements is not a reason for independence of the judiciary?</b></p> <p>A. Protecting liberty of an individual from abuse of executive  B. Protects government power of implementing law  C. Protect impartial decisions made by judges  D. Protect the maintenance of fairness within all cases</p> <p>[1 mark]</p>
<p><b>What do Law Centres not typically advise on?</b></p> <p>A. Domestic abuse  B. Housing  C. Employment  D. Immigration problems</p> <p>[1 mark]</p>	<p><b>Which of the following is not a source of legal advice?</b></p> <p>A. Citizens' Advice Bureaux  B. Law Centres  C. Trades Unions  D. Legal Ombudsman</p> <p>[1 mark]</p>
<p><b>Which of the following issues does not entitle someone to receive legal aid?</b></p> <p>A. Risk of losing liberty  B. Complex legal issues  C. Language barriers  D. Unable to afford private funding</p> <p>[1 mark]</p>	<p><b>How likely is an individual to be granted legal aid in the Magistrates Court?</b></p> <p>A. 25%  B. 75%  C. 82%  D. 90%</p> <p>[1 mark]</p>
<p><b>Which of the following statements is not an advantage of independence of the judiciary?</b></p> <p>A. Fairness in all cases  B. Protect citizens against unlawful acts of the government  C. Provides certainty of law  D. Public confidence in the legal system</p> <p>[1 mark]</p>	<p><b>When a suspect is held in a police station, who is appointed to provide free legal advice?</b></p> <p>A. Citizens advice bureaux  B. Law centres  C. 24-hour duty solicitor scheme  D. The government</p> <p>[1 mark]</p>

<p><b>Which of the following statements is false?</b></p> <p>A. The UK constitution is a written document  B. The UK constitution is not a written document  C. Rights in the UK are protected by legislation made by parliament  D. The ECHR forms the UK constitution</p> <p>[1 mark]</p>	<p><b>Which of the following was ratified in the UK in 1951?</b></p> <p>A. Universal Declaration of Human Rights  B. Magna Carta  C. Human Rights Act  D. European Convention of Human Rights</p> <p>[1 mark]</p>
<p><b>Which one of the following best defines the Magna Carta 1215?</b></p> <p>A. It protected the right to a fair trial and legal detention  B. It was the first English Charter that acknowledged legal rights of citizens  C. It includes a range of rights and freedoms which everyone is entitled to  D. It limited the rights of the monarch and set out rights of Parliament</p> <p>[1 mark]</p>	<p><b>Which of the following is not permitted by the Human Rights Act 1998?</b></p> <p>A. UK citizens can claim for remedies for breach of human rights in the UK  B. UK courts can interpret legislation to ensure it's compatible with convention rights  C. Non-EU citizens can claim remedies for breach of human rights in UK courts  D. ECHR to be incorporated into UK law</p> <p>[1 mark]</p>
<p><b>Which of the following best describes the Council of Europe?</b></p> <p>A. It creates European Union law  B. It is an intergovernmental organisation aiming at protecting Human Rights  C. It created the Magna Carta  D. It is a collection of delegates containing 50 members</p> <p>[1 mark]</p>	<p><b>Which of the following is not a basic principle of Human Rights?</b></p> <p>A. They are universal and apply to everyone simply on the basis of being human  B. They are inalienable; they cannot be taken away simply because the state does not like the person seeking to exercise their rights.  C. They are indivisible; the state cannot pick and choose which rights it accepts.  D. They are absolute; the state cannot justify an interference with human rights</p> <p>[1 mark]</p>
<p><b>Which of the following was established to bolster international peace?</b></p> <p>A. Freedom from Want  B. Freedom to have  C. Freedom to fight  D. Freedom of love</p> <p>[1 mark]</p>	<p><b>Which of the following is not guaranteed under the Human Rights Act 1998?</b></p> <p>A. Right to not be tortured  B. Right to freedom of expression  C. Protection from discrimination  D. Right to equal pay</p> <p>[1 mark]</p>
<p><b>Which of the following best describes liberties?</b></p> <p>A. Freedom from government or private interference  B. The holder is able to enforce it by bringing a legal action  C. There is a corresponding duty  D. Incorporates freedom from unequal treatment</p> <p>[1 mark]</p>	<p><b>Which of the following is the correct definition of 'carte blanche' from Matzarakis v Greece?</b></p> <p>A Complete trust in the State  B Confidence in the State  C Complete freedom for the State  D Complete confidence in the State</p> <p>[1 mark]</p>
<p><b>Which of the following isn't a primary obligation on the State under Article 2?</b></p> <p>A The end of life  B Protection of an unborn child  C Prevention of suicide by prisoners  D Extradition, Expulsion and Deportation</p> <p>[1 mark]</p>	<p><b>Select the true statement</b></p> <p>A Article 2 is a qualified right  B Article 2 has a wide margin of appreciation  C Article 2 protects deprivation of liberty  D Article 2 is an absolute right</p> <p>[1 mark]</p>
<p><b>Which of the following is a qualified right?</b></p> <p>A. Right to Liberty  B. Right to freedom of expression  C. Right to life  D. Right to not be tortured</p> <p>[1 mark]</p>	<p><b>Which of the following is not guaranteed by Article 2?</b></p> <p>A The right to die under euthanasia  B The right to protect others from violence  C The right to protect prisoners from suicide  D The right to liability against medical malpractice</p> <p>[1 mark]</p>

<p><b>Which of the following isn't a justified exception to the primary obligation?</b></p> <p>A After conviction by a competent court  B Defence of any person from unlawful violence  C To effect a lawful arrest or prevent the escape of a person lawfully detained  D Lawfully taken action to quell a riot/insurrection</p> <p>[1 mark]</p>	<p><b>Which of the following isn't a life safeguarding measure that must be taken by the State when planning to use lethal force?</b></p> <p>A Have appropriate police training  B Organise transport to hospitals for any casualties  C Carry out the operation in a crowded area to remain covert  D Maintain continuous communication</p> <p>[1 mark]</p>
<p><b>Which of the following best describes an adequate investigation into loss of life at the hands of the state?</b></p> <p>A Need for any family member to be notified  B Need the coroner to direct the jury into considering medical malpractice  C Need to only interview officers involved  D Need a sufficient degree of public scrutiny</p> <p>[1 mark]</p>	<p><b>Which of the following statements is false?</b></p> <p>A Lethal force must be absolutely necessary  B Lethal force must be based on 'honest and reasonable belief' of its necessity  C There must be an effective investigation where death happens at the hands of the state  D Lethal force is justified if it prevented escape of a convicted criminal</p> <p>[1 mark]</p>
<p><b>Which of the following isn't a way a protest could be quelled without interference of Article 2 and the need for lethal force?</b></p> <p>A Water cannons  B Bullets  C Baton use  D Curfews</p> <p>[1 mark]</p>	<p><b>Which of the following isn't a breach of Article 2?</b></p> <p>A Failure to properly investigate cases of death in police custody  B Failure to protect life where there is a real and immediate risk of harm  C Failure to protect unborn children  D Failure to plan safe operations</p> <p>[1 mark]</p>
<p><b>Which one of the following is not a factor in whether confinement is a deprivation of liberty?</b></p> <p>A The type of confinement  B The duration of the confinement  C The reason for the confinement  D The level of surveillance</p> <p>[1 mark]</p>	<p><b>Which of the following sections would be successfully used to justify depriving someone of their liberty as a preventative measure?</b></p> <p>A Article 5(1)(a)  B Article 5(1)(b)  C Article 5(1)(c)  D Article 5(1)(d)</p> <p>[1 mark]</p>
<p><b>Select the one true statement about Article 5(1)(a).</b></p> <p>A It can't be used to justify custodial sentences  B It is used by the police to fulfil an obligation prescribed by law  C It is used to bring a person before a competent legal authority  D It is used after conviction by a competent court</p> <p>[1 mark]</p>	<p><b>Which one of the following correctly identifies the negative obligation on the state?</b></p> <p>A Protect a person's liberty  B Investigate the breach of the right to liberty  C Not to interfere in a person's liberty  D Provide remedies where there has been a breach</p> <p>[1 mark]</p>
<p><b>Which one of the following is not an Article 5 safeguard?</b></p> <p>A Everyone shall be informed promptly in a language which he understands  B The person need not be informed of the reasons for his arrest  C Everyone detained under Art 5(1)(c) is entitled to trial within a reasonable time  D Everyone who has been arrested or detained in contravention of the provisions of Article 5 has a right to compensation</p> <p>[1 mark]</p>	<p><b>Which of the following is not a safeguard for the police from English law?</b></p> <p>A Officers must identify themselves, the object of the search and the reasons for the search  B Officers must inform you you're being arrested and give reasons for the arrest  C The authorisation of a search without reasonable suspicion lasts 72 hours and in a designated area  D Arrests for an anticipated breach of the peace will only be lawful if the threat of the breach is imminent</p> <p>[1 mark]</p>

<p><b>Select the one false statement about police powers from English law.</b></p> <p>A Any police officer can authorise the search of any person where serious violence is anticipated</p> <p>B s.24 of PACE states that the police can arrest anyone who they have reasonable suspicion has committed, is committing or is about to commit an offence</p> <p>C Police are able to question a suspect to obtain evidence</p> <p>D s.1 of PACE states that police can stop and search anyone on reasonable suspicion that prohibited items may be found</p> <p>[1 mark]</p>	<p><b>Select the one true statement about deprivation of liberty.</b></p> <p>A It doesn't engage Article 5 at all</p> <p>B It is a prima facie violation</p> <p>C There is no exception to a deprivation of liberty</p> <p>D Detention automatically becomes a deprivation if the detainee hasn't validly consented to the confinement</p> <p>[1 mark]</p>
<p><b>Which one of the following is not protected under private life?</b></p> <p>A Physical integrity of a person</p> <p>B Medical records</p> <p>C Reputation</p> <p>D Communication</p> <p>[1 mark]</p>	<p><b>Which one of the following is not a legitimate aim?</b></p> <p>A Protection of the rights and freedom of others</p> <p>B Protection of national security</p> <p>C Protection of reputation</p> <p>D Protection of health and morals</p> <p>[1 mark]</p>
<p><b>Select the one false statement. To be justified, an interference with a qualified right must be:</b></p> <p>A In accordance with a legitimate aim</p> <p>B Arbitrary</p> <p>C Prescribed by law</p> <p>D Necessary and proportionate</p> <p>[1 mark]</p>	<p><b>Which of the following is not stated within Article 8?</b></p> <p>A Private life</p> <p>B Family life</p> <p>C Work life</p> <p>D Correspondence</p> <p>[1 mark]</p>
<p><b>Which of the following legitimate aims is not found within Article 10?</b></p> <p>A. Interests of national security</p> <p>B. Prevention of disorder or crime</p> <p>C. Protection of the rights and freedoms of others</p> <p>D. Protection of the reputation or rights of others</p> <p>[1 mark]</p>	<p><b>Which of the following is not a law which protects reputation?</b></p> <p>A. Defamation</p> <p>B. Fabrication</p> <p>C. Malicious Falsehood</p> <p>D. Protection from Harassment</p> <p>[1 mark]</p>
<p><b>Select the incorrect statement in relation to police powers under Article 11.</b></p> <p>A. Try use their common law powers of arrest</p> <p>B. Try resolve the situation without using one of their common law powers</p> <p>C. Try use their common law powers of lethal force</p> <p>D. Try use their common law power of entry</p> <p>[1 mark]</p>	<p><b>Which of the following statements is false in relation to freedom of association?</b></p> <p>A. The freedom of association also includes freedom not to associate with others</p> <p>B. Everyone is free to associate with others</p> <p>C. Everyone must be part of a trade union</p> <p>D. Citizens have the right to refuse to join an association</p> <p>[1 mark]</p>
<p><b>Which of the following is not a legitimate aim of Article 11?</b></p> <p>A. Protection of others' rights and freedoms</p> <p>B. Interests of national security or public safety</p> <p>C. Protection of threats or morals</p> <p>D. Interests of public safety or economic well-being of the country</p> <p>[1 mark]</p>	<p><b>Which section does it state "police can order "ravers" to leave" in the Criminal Justice and Public Order Act:</b></p> <p>A. S.61</p> <p>B. S.63</p> <p>C. S.70</p> <p>D. S.68</p> <p>[1 mark]</p>

<p><b>It is unlawful for a 'public authority' to act in a way which is incompatible with a convention right. Which one of the following is not classed as a 'Public Authority' in the HRA?</b></p> <p>A. BBC (TV/radio)  B. Prison Service  C. Parliament  D. HM Revenue and Customs</p> <p>[1 mark]</p>	<p><b>Which of the following is not required when making an application to the ECtHR?</b></p> <p>A. The facts of the case  B. The Article which has been violated  C. The Remedy they request  D. The information of the decisions made by all domestic courts used</p> <p>[1 mark]</p>
<p><b>Which of the following statements is true when an individual is being awarded remedies from the ECtHR?</b></p> <p>A. Remedies are awarded to put the claimant in a better position than they were before the violation occurred  B. Costs can be only be awarded to C for costs incurred in the ECtHR and not for costs incurred in the domestic courts  C. Damages which are awarded must be requested in the application before the case.  D. English Court decisions determine the amount of the damages that the claimant is seeking.</p> <p>[1 mark]</p>	<p><b>Which of the following best describes s.8 Human Rights Act 1998?</b></p> <p>A. It is unlawful for a 'public authority' to act in a way which is incompatible with a Convention right.  B. The court may grant such relief/remedy/order, within its powers as it considers just and appropriate  C. A person who claims that a public authority has acted incompatibly may bring proceedings against the authority  D. Proceedings in respect of a judicial act may be brought only by exercising a right of appeal</p> <p>[1 mark]</p>
<p><b>Under judicial review which of the following cannot be challenged under ECtHR.</b></p> <p>A. British Secret Service  B. The National Health Service  C. Prison Governors  D. Mayor of Leeds</p> <p>[1 mark]</p>	<p><b>Proceedings brought against an authority under s.7 HRA 1998 must be brought within what time frame?</b></p> <p>A. 3 months  B. 6 months  C. 1 year  D. 3 years</p> <p>[1 mark]</p>
<p><b>In what way does the ECtHR differ from domestic courts?</b></p> <p>A. The ECtHR does not award damages  B. The ECtHR is not bound by its previous decisions  C. The ECtHR does not issue judgments  D. The ECtHR is not allowed to interpret law</p> <p>[1 mark]</p>	<p><b>In which of the following would the ECtHR allow states a wide margin of appreciation?</b></p> <p>A. Where absolute rights are in issue  B. Where there is clear consensus among member states  C. Where freedom of the press is concerned  D. Where artistic expression is concerned</p> <p>[1 mark]</p>
<p><b>Proceedings brought through judicial review against a public body must be brought within what time frame?</b></p> <p>A. 3 months  B. 6 months  C. 1 year  D. 3 years</p> <p>[1 mark]</p>	<p><b>Which of the following is not grounds for judicial review?</b></p> <p>A. Illegality  B. Fairness  C. Proportionality  D. Duration</p> <p>[1 mark]</p>
<p><b>Which of the following is not an outcome of judicial review?</b></p> <p>A. Quashing order  B. Public order  C. Prohibiting order  D. Mandatory order</p> <p>[1 mark]</p>	<p><b>Which of the following courts would never hear a judicial review case?</b></p> <p>A. Administrative Court  B. Court of Appeal  C. Crown Court  D. Supreme Court</p> <p>[1 mark]</p>

**Question 6 – This will only ever be about an ELS topic. It will never be about an Article itself. You will be asked to explain two things and then one more specific thing. (5 marks)**

Explain two elements of the rule of law. Give an example of how the rule of law is obeyed within substantive law.	
Explain two types of delegated legislation. Briefly explain parliamentary controls on delegated legislation.	
Explain two disadvantages of delegated legislation. Briefly explain why delegated legislation is so important.	
Explain the role of two institutions of the European Union. Briefly explain EU regulations as a source of law in England and Wales.	
Explain vertical direct effect and horizontal direct effect. Briefly explain the impact of EU law on the law of England and Wales.	
Explain two elements of independence of the judiciary. Briefly explain the importance of having an independent judiciary.	
Explain two sources of free legal advice. Briefly explain the interest of justice test in criminal law.	
Explain two roles of judges in criminal trials. Briefly explain the role of Supreme Court Justices.	



**Question 7 – This will be a short scenario where you must prove why the claim/justification would NOT succeed. You only have 5 minutes to write this, so you must be highly focused on the reason why it would fail rather than spending time writing about the elements which would succeed. (5 marks)**

Police were called to the town hall by shoppers fearful of violence as noise levels and physical contact between protestors grew. Several shoppers had reported seeing a number of demonstrators holding their hands under their jackets and flashes of light reflections making them believe they might have had knives in their possession. The first police vehicle on the scene took immediate action, shouting through a loud speaker and firing rubber bullets into the group. One of the rubber bullets hit Frank on his temple, he died on impact.

**Suggest why, in law, Frank's family's claim against the police under Article 2 might not be successful.**

Since its launch last year, Extinction Rebellion has shut bridges, poured buckets of fake blood outside Downing Street, and stripped semi-naked in Parliament. It has three core demands: for the government to "tell the truth about climate change", reduce carbon emissions to zero by 2025, and create a citizens' assembly to oversee progress. Controversially, the group is trying to get as many people arrested as possible. One of the group's founders, Roger Hallam, believes that mass participation and civil disobedience maximise the chances of social change. In their latest demonstration, a total of 52 arrests took place and five people were detained on suspicion of criminal damage at Shell's HQ

**Suggest why, in law, Extinction Rebellion probably would not be able to make a claim under Article 11 ECHR.**

Henry is a member of the far right group Britain First. He is also an illustrator. He regularly draws cartoons of Muslim families where the punchline is always their death in a horrific incident. He publishes these images on his Facebook account. Facebook have become aware of these cartoon and have terminated his account.

**Suggest why, in law, Henry probably would not be able to claim that his Article 10 rights have been breached.**

**Question 8 – This will be a short scenario, where the human right/justification you must prove/disprove is stated in the question. (10 marks)**

Mrs Peters had been given 3 months to live according to her Leukaemia Consultant at Leeds General Infirmary. After months of research into alternative treatment methods, she applied to the NHS for life saving medication, which although experimental in the UK, had undergone extensive research in the USA. A week later, she received a compassionate letter stating that although they could empathise with her desire to live, they simply did not authorise treatment unless it had been approved by the General Medical Council.

**Advise Mrs Peters as to whether she can challenge the NHS's decision under Article 2 ECHR and whether her claim is likely to be successful.**

On arrival at the police station Max is searched. When he questions a police officer about why he is being detained he is told to 'shut up and keep quiet' if he 'knows what is best' for him. When he refuses to co-operate he is pushed forcibly into a cell. Max is told that he will be kept there until he has calmed down. He is also told that he is suspected of being one of the ringleaders behind the violence. His phone is taken from him. Max is kept overnight in the cell. When he asks to see a solicitor the following morning, he is told that they are 'far too busy' to deal with his request. Later that morning he is released without further explanation or charge.

**Advise Max on the possible legal grounds of any challenge he might make against the police under Article 5 ECHR.**

In April 2010 Xavier was convicted of belonging to a terrorist group and planning significant acts of terror. He was imprisoned for 12 years. Yasmin, an investigative journalist, uncovered evidence that completely contradicted the case against Xavier and in 2015 his case went to the Court of Appeal. His conviction was quashed on grounds of being unsafe. Xavier was released immediately. However, in 2016 Yasmin discovered that the security services were continuing to monitor Xavier's emails and correspondence. She also found out that they were monitoring the emails of Xavier's wife, Monica.

**Advise Xavier and Monica whether the surveillance of their correspondence has breached their rights under Article 8.**

Chris had been abused as a baby, subjected to long periods of isolation and malnutrition. He was forcibly taken in to care by Child Social Services and remained under the supervision of a string of foster parents until he reached adulthood. Chris has applied to his Local Authority for details of his carers but access to this information was refused.

**Advise Chris as to whether his rights under Article 10 have been breached.**

**Question 9 – This will be an essay question, where you describe an element of theory (usually justice, morality or balancing competing interests) and then link the theory to an area of law which is specified in the question. (10 marks theory + 5 marks application)**

**The legitimate aims stated within Articles 8, 10 and 11 are exhaustive. Examine the meaning of justice and discuss the extent to which these exhaustive lists achieve justice for citizens. (15 marks)**

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**Examine the scope of human rights in Europe. Discuss the extent to which the margin of appreciation enhances the functioning of human rights in member states of the ECHR. (15 marks)**

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**Question 10 – This will be a long scenario. There will usually be three topics (human rights and justifications) to either prove or disprove. You will need to work out whether the focus is the ECHR or UK law. You cannot include every theory principle I taught you, be selective and relevant. (30 marks)**

Sam joined a spontaneous, peaceful demonstration in his street to protest against the presence of two families alleged to be responsible for a great deal of vandalism and petty crime in the area. A number of police constables attended. Three members of the families came out into the street and threatened demonstrators. PC Wright, a police constable, ordered the demonstrators to disperse on the grounds that he feared an imminent breach of the peace.

PC Wright arrested Sam and charged him with obstructing a police constable in the execution of his duty when Sam refused to obey the order.

**Consider whether Sam has any course of action against PC Wright in connection to the incidents in the street and his arrest.**

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Susan Smith's son, 21-year-old Phillip Hewett, died in Iraq in a roadside bomb attack on a patrol of three armoured Snatch Land Rovers. Private Hewett, who was driving, died of his wounds at the scene while being given first aid by members of the patrol. Critics believe that the Snatch Land Rover is not suitable or safe for the operations for which it has been deployed. Four other families are also pursuing damages against the MoD over similar deaths, claiming the MoD failed to provide reasonable protection to save the soldiers' lives. The Snatch Land Rover was originally designed as a cheap and quick way of transporting troops in Northern Ireland. It has been heavily criticised for failing to protect against roadside bombs following a series of deaths in Iraq and Afghanistan. The inquests into these deaths were less than three hours long and did not identify any failings.

After his death, Susan found her son's journal, documenting his life in Iraq. In it he gave a candid view of the army's attitude to its front line soldiers and the inadequate equipment they were provided with. The book is due to be published, but the Ministry of Defence have applied for an injunction to prevent its publication.

**Consider the success of any claim Susan might have against the Ministry of Defence.**

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**Question 11 – This will be a long scenario. There will usually be two/three substantive topics (human rights including justifications) to either prove or disprove. This is worth 23 marks. There will also be an evaluative theory element related to the scenario. This is worth 7 marks. (23 marks scenario + 7 marks theory)**

A doctor's surgery was burgled one evening, footage from the surgery's CCTV showed a young female helping herself to drugs from the cabinet. After several days had passed without the police being able to identify the female, PC Jones saw Claire, a young female whose sister had a record of drug-related offences, walking down the street wearing a new designer jacket. PC Jones stopped Claire and questioned her about the burglary at the surgery. PC Jones was unhappy with Claire's answers and searched her pockets. He found some tablets wrapped in silver foil. Claire was taken to the police station, where she was detained and questioned about the burglary. Lab results determining the nature of the tablets showed that they were antibiotics for her cat, prescribed by a vet. She was released without charge 36 hours after she was brought to the station.

Claire's sister, Rebecca, was furious about the detention and handcuffed herself to the railings outside the police station, staging a hunger strike in protest of the police's abuse of power. Several others joined her, handcuffing themselves to the railings too. One protestor was a professional photographer and took photographs of police officers entering the building. After three days of asking the protestors to move, the police used machinery to cut the railings and removed the protestors themselves.

**Advise Claire and Rebecca on the legality of the actions of the police.  
Assess the extent to which the scenario concerns rights rather than liberties.**

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New Horizons Productions created a successful weekly children’s television show, ‘Inside Olivia’, which used hi-tech medical equipment to explain to youngsters how the human body works. The show won several awards, and its young presenter, Olivia became a national celebrity. The Daily Trash obtained photos of Olivia taken outside an alcohol treatment clinic during filming of an episode designed to warn young viewers of the dangers of binge drinking. The Daily Trash wish to publish the photos under the headline: “What Really Goes On Inside Olivia”, together with an article claiming that Olivia was a secret alcoholic. The article contained an additional photograph of Olivia at a birthday meal, her glass of wine had been digitally altered and replaced by a two litre jug of alcohol.

The Minister for Youth, Jane Jones, was also sent the photos and made a speech in Parliament describing Olivia as a bad role model. She then repeated these comments on her Twitter page. The speech and Twitter comments resulted in thousands of complaints to New Horizons productions, which, as a result terminated Olivia’s contract.

**Considering both English law and the law of the European Convention on Human Rights, discuss what rights Olivia may have to prevent The Daily Trash from publishing the story and in relation to Jane’s actions. Assess the extent to which the ECHR prioritises the rights of children.**

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