



Oxford Cambridge and RSA

# Monday 12 June 2023 – Morning

## A Level Law

### H418/03 The nature of law and human rights

Time allowed: 2 hours



**You must have:**

- the OCR 12-page Answer Booklet

#### **INSTRUCTIONS**

- Use black ink.
- Write your answer to each question in the Answer Booklet. The question numbers must be clearly shown.
- Fill in the boxes on the front of the Answer Booklet.
- Answer **four** questions in total:
- Answer **one** question in Section A.
- Choose **one** part in Section B. Answer the **three** questions for that part.

#### **INFORMATION**

- The total mark for this paper is **80**.
- The marks for each question are shown in brackets [ ].
- Quality of extended response will be assessed in questions marked with an asterisk (\*).
- This document has **4** pages.

#### **ADVICE**

- Read each question carefully before you start your answer.

**SECTION A**

**The nature of law**

Answer **one** question using examples from your full course of study.

- 1 'The rule of law is seen as an essential principle within our legal system.'

Discuss the extent to which you agree that the rule of law is central to our legal system. **[20]**

- 2 'It is much harder for a multicultural society, reflecting a diversity of views, to arrive at a moral consensus.'

Discuss how effectively the legal system of England and Wales can adapt to changes in morality, in the light of the above statement. **[20]**

**SECTION B****Human rights law**

Choose **Part 1** or **Part 2**.

**Part 1**

Answer the **three** questions.

The first two questions are about the scenarios. The scenarios are **not** related.

Amari is an asylum seeker who has arrived in the United Kingdom from a war zone. He is sent to an asylum detention centre while his application for asylum is processed. Six months later he is still waiting for a decision and his detention has not been reviewed.

Ben is a suspected terrorist. He is placed under personal restrictions and surveillance by the security forces as he is described as a security risk. He is also placed under a 16-hour daily curfew and his passport is taken away. He is electronically tagged and is subject to severe limitations on who he can associate with.

Casey is a prisoner serving a life sentence who is eligible for their parole hearing. Three days before the hearing, it is cancelled due to 'staff shortages on the parole board'. They are told that they will have to wait another year as they are a 'very high risk' prisoner.

Nina is a 21-year-old woman with learning difficulties. She has previous convictions for shoplifting. A police officer, investigating a robbery on the high street, sees Nina in a nearby park. She approaches Nina and asks her where she has been all evening. Nina says nothing. The officer then tells Nina that she must accompany her to the station. When Nina asks why, the officer replies: 'You know what you've done'.

On arrival at the station, Nina is taken straight to an interview room. She is cautioned using the following words: 'Be careful what you say, as it may be given in evidence. You must answer every question'. Nina asks for a solicitor, but is told it is too late to get one. Nina is questioned for six hours without a break. She asks for a drink but is told she cannot have any food or drink until she has cooperated fully. Nina is so hungry and exhausted that she confesses to the crime.

- 3** Advise Amari, Ben and Casey as to whether they can use Article 5 to assist their cases. **[20]**
- 4** Advise Nina whether her treatment by the police when she was arrested and during her subsequent interview was lawful, and what effect this may have on her case. **[20]**

**Essay question on human rights law**

- 5\*** The Human Rights Act 1998 has been largely successful in strengthening protection for human rights. However, there are still enough areas of concern to suggest the need for reform.

Discuss the extent to which you agree with this statement.

**[20]**

**Part 2**

Answer the **three** questions.

The first two questions are about the scenarios. The scenarios are **not** related.

Henry is a famous investigative journalist who has a weekly podcast exploring controversial news stories. He has a regular audience of more than two million listeners. Recent podcasts have included the following content:

- A claim that a drug recently licensed by the NHS to help with obesity is in fact linked with very high levels of cancer.
- An interview with a climate protestor who encourages teenagers to become actively engaged in civil disobedience instead of going to school.
- A claim that a government minister has accepted a large bribe from a foreign country which is hostile to the United Kingdom.

A government lawyer obtains an injunction banning further podcasts by Henry and shuts down his website.

Ivan is a film-maker who has just separated from his wife, Orla. He makes a film about their relationship which contains both disturbing scenes and some graphic sexual content. The film is banned by the board of censors. Angered at this ban, Ivan decides to project the film onto a public building in the centre of town as a protest. He does this on a busy Saturday afternoon when families are out shopping. The police arrest him and confiscate the film.

Ivan has also published his diary in which he makes several serious claims about Orla's behaviour. He claims that she was often physically and emotionally abusive towards him, that she tried to humiliate him in public, and that her treatment of him caused him to suffer from depression. Ivan has two witnesses who support his version of events. Orla brings a case against him for defamation.

- 6 Advise Henry whether his Article 10 rights have been breached by the injunction and the closure of his website. Explain what grounds could have been used to justify such action. **[20]**
- 7 Advise Ivan whether the laws on obscenity would apply to his film **and** whether Orla could bring a claim against him in defamation based on the content of the diary. **[20]**

**Essay question on human rights law**

- 8\* The Human Rights Act 1998 has been largely successful in strengthening protection for human rights. However, there are still enough areas of concern to suggest the need for reform.

Discuss the extent to which you agree with this statement.

**[20]**

**END OF QUESTION PAPER**

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