



Oxford Cambridge and RSA

**Monday 20 June 2022 – Afternoon**

**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.
- Answer **four** questions in total:  
Section A: answer **one** question  
Section B: choose Part 1 **or** Part 2 and 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 courts of England and Wales are courts of law, not courts of morality'.

Discuss the challenges faced by judges in separating law from morality.

**[20]**

- 2 'Justice is a concept which is difficult to define but is easily identified in practical examples.'

Discuss the meaning of justice in light of this statement.

**[20]**

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

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

**Part 1**

Answer the **three** questions below.

The first two questions are based on the scenarios below. The scenarios are **not** related.

Layla is a famous TV fitness personality who has recently published a book on healthy lifestyles. A newspaper has discovered that Layla's adopted teenage daughter, Mia, has addiction issues. They have published an article with photographs of Mia looking very unwell as a patient in a private rehabilitation clinic.

The newspaper has published another article alleging that Layla has not paid any tax on her earnings from the book.

Layla has recently given birth to a second child. She wants to name the child 'Fruity Smoothy' but the Registrar for Births has refused to register this name. The child is currently without a name.

Tom, a senior government diplomat, is diagnosed with the early stages of dementia. Although he has told nobody about his diagnosis, he begins to receive phone calls from a private company inviting him to participate in some experimental drug trials. Tom suspects that the health authority has given his data away without permission. He is told that it is common practice to release such data but it is always anonymised so that any references to an individual are removed.

Tom also discovers that his employer has been secretly monitoring his private phone conversations. This was because they were worried about Tom's mental health and wanted to assess whether he was still fit to work. When Tom complains he is told that this is standard practice although he has never heard of this previously.

- 3 Advise Layla whether she will be able to use Article 8 of the ECHR to challenge the publication of the article and photographs of her daughter, the allegations about her tax **and** the Registrar's decision. **[20]**
- 4 Advise Tom whether the health authority's actions amount to a breach of confidence **and** whether his employer has breached the Regulation of Investigatory Powers Act 2000. **[20]**

**Essay question on human rights law**

- 5\* The freedoms contained in Article 11 are vital in a properly functioning democracy, but they are all too easily restricted.

Discuss the extent to which you agree that this statement is accurate. **[20]**

**Part 2**

Answer the **three** questions below.

The first two questions are based on the scenarios below. The scenarios are **not** related.

Kofi works for an internet company based in the UK. In December 2020 he is arrested and interrogated for three days by the police on suspicion of spying for a foreign country. He is denied access to a solicitor. *The Daily Globe* runs a story called 'Face of a Spy' next to a picture of Kofi. The chief of police is quoted as saying: 'This man has done huge damage to his country's defence'. Kofi's trial begins in May 2022. His defence team request access to his work emails but the prosecution refuse access on security grounds. The principal witness is simply known as 'Q' – a security expert who gives evidence via video link and with voice distortion so that his true identity is not revealed. The jury convict Kofi. The judge allows only partial details of the judgment to be published, claiming that some aspects would prejudice national security.

Charlie is taking part in a peaceful sit-down protest to highlight climate change. PC Davies recognises Charlie and says: 'This one is a trouble-maker'. He grabs Charlie and takes her out of the crowd. She is photographed and searched. No details are given about the search, but Charlie wrestles free from the police and runs away.

In the evening the police ask the crowd to disperse but they refuse to do so. There are several scuffles as the police try to move them on. One of the crowd, Zac, is taken to the police station. When he arrives, he is taken straight to a cell and kept there overnight. When he asks for the reason he is being detained he is told: 'for your own safety' and he is kept overnight. He is then released without charge.

Ling is travelling to the protest by coach. The coach is stopped by the police and everyone is searched. Although no suspicious items are found, the coach is sent back without allowing the passengers to proceed to the protest.

- 6 Advise Kofi whether any of his rights under Article 6 have been breached. [20]
- 7 Advise Charlie, Zac **and** Ling whether the police have exercised their powers of stop and search **and** arrest lawfully. [20]

**Essay question on human rights law**

- 8\* The freedoms contained in Article 11 are vital in a properly functioning democracy, but they are all too easily restricted.

Discuss the extent to which you agree that this statement is accurate. [20]

**END OF QUESTION PAPER**

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