



Surname _____

Forename(s) _____

Centre Number _____

Candidate Number _____

Candidate Signature _____

I declare this is my own work.

A-level

LAW

Paper 3B Human Rights

7162/3B

Monday 12 June 2023

Morning

Time allowed: 2 hours

At the top of the page, write your surname and forename(s), your centre number, your candidate number and add your signature.

[Turn over]



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MATERIALS

For this paper you will need no other materials.

INSTRUCTIONS

- **Use black ink or black ball-point pen.**
- **Answer ALL questions. You must answer the questions in the spaces provided. Do NOT write on blank pages.**
- **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).**
- **Do all rough work in this book. Cross through any work you do not want to be marked.**
- **Questions should be answered in continuous prose. Give reasoned answers. Where appropriate, make reference to cases, statutes and examples.**

INFORMATION

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

DO NOT TURN OVER UNTIL TOLD TO DO SO

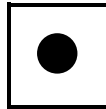


Answer ALL questions in the spaces provided.

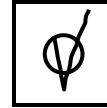
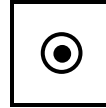
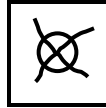
Only ONE answer per question is allowed.

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

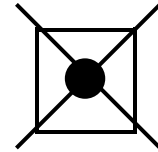
CORRECT METHOD



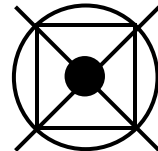
WRONG METHODS



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.



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**Select the TRUE statement about various Articles of the European Convention on Human Rights (ECHR).
[1 mark]**

☐

A A person will not be deprived of liberty under Article 5 of the ECHR unless movement is restricted to a very small area.

☐

B The right to freedom of expression under Article 10 of the ECHR is strongly protected in the case of journalists dealing with issues of public concern.

☐

C The right to respect for private life under Article 8 of the ECHR does not protect a person's right to reputation.

☐

D There are no limitations on the right to life under Article 2 of the ECHR.

[Turn over]



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Select the FALSE statement about the European Court of Human Rights (ECtHR), the European Convention on Human Rights (ECHR), and the Human Rights Act 1998. [1 mark]

☐

A Claims can be brought in the ECtHR by individuals but not by States.

☐

B The ECtHR can award damages for a breach of ECHR obligations.

☐

C The Human Rights Act 1998 gives effect in English law to many, but not all, of the provisions of the ECHR.

☐

D The Human Rights Act 1998 requires judges to take into account relevant ECtHR decisions when interpreting the effect on English law of ECHR law.



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Select the TRUE statement about proof of liability.
[1 mark]

☐

A The burden of proof in a civil case is on the claimant.

☐

B The burden of proof in a criminal case is on the defendant.

☐

C The standard of proof in a civil case is beyond reasonable doubt.

☐

D The standard of proof in a criminal case is on the balance of probabilities.

[Turn over]



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Select the **FALSE** statement about the role of a judge (or judges) in a criminal case. [1 mark]

☐

A A District Judge in the Magistrates' Court does not decide questions of fact.

☐

B A judge in the Crown Court decides the sentence.

☐

C Judges in the Court of Appeal can hear appeals against sentence.

☐

D Justices of the Supreme Court decide questions of law.



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Select the FALSE statement about delegated legislation. [1 mark]

- ☐ A The Scrutiny Committee (the Parliamentary Joint Select Committee on Statutory Instruments) can alter a statutory instrument.
- ☐ B The Scrutiny Committee (the Parliamentary Joint Select Committee on Statutory Instruments) reviews statutory instruments.
- ☐ C Under the affirmative resolution procedure, a statutory instrument will become law if approved by a vote in Parliament.
- ☐ D Under the negative resolution procedure, a statutory instrument will become law unless rejected by a vote in Parliament.

[Turn over]

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Explain TWO ways in which the law tries to achieve judicial independence. [5 marks]

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After limited public consultation, Axebury City Council made significant changes to the road layout in the city. This resulted in many complaints of increased air and noise pollution. Axebury City Council refused to undertake any research into the effects of the changes. Bekka, an environmental campaigner, argued that relevant research was vital to a public debate about the changes.

Suggest why Axebury City Council's failure to undertake and publish the results of research into the effects of the changes is unlikely to be a violation of Bekka's right to freedom of expression under Article 10 of the European Convention on Human Rights.

[5 marks]



[illegible]

[Turn over]

5



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Cal was a well-known public figure much admired for his vigorous support, on ethical grounds, for veganism. Secretly, however, he had made substantial investments in companies around the world which specialised in animal products.

Whilst on business abroad, he messaged his partner, Della, with a photo of himself outside a factory owned by one of the companies, alongside the caption, “If they only knew back home!” By accident, Della ‘shared’ the photo in a message to a friend and then immediately asked the friend to delete it. Realising its significance, however, the friend passed the photo on to Eden, a journalist. Eden wanted to publish a story revealing Cal’s hypocrisy over his support for veganism. Cal wanted an injunction to stop Eden from publishing the story.

Advise Cal of his rights against Eden, with reference to the tort of misuse of private information, and taking into account Article 8 (the right to respect for private life and correspondence) and Article 10 (the right to freedom of expression) of the European Convention on Human Rights. [10 marks]



[illegible]

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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.

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Examine the extent to which legal rules and moral rules are related. Discuss the extent to which rules in Human Rights law reflect rules of morality. [15 marks]

[illegible]

[Turn over]









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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.

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Faisal was the organiser of a group strongly opposed to the views of Grace, the local MP, on issues of social justice. The group planned to gain entry into the very large garden of Grace’s house to disrupt a fundraising event. The group then planned to march to a nearby public park and listen to speeches criticising Grace and her political party. Two days before the event, Faisal made an anonymous phone call to the local police station. He informed police of the date of the planned march to the public park but gave no details of the time and the route.

On the day, three members of the group forced an entry into Grace’s garden, chained themselves to fencing and chanted protest slogans. The police were called and cut the protesters free, before arresting them ‘to prevent further trouble’. The event was then able to continue after a delay of about an hour. Meanwhile, Faisal and about 30 other members of the group began their march to the public park. Some attempted to ignore instructions from a senior police officer as to the route that they should take and were arrested and removed. When the remaining members reached the public park, the area chosen was crowded with families.



As a result, the senior police officer allowed only 10 members of the group to gather and limited the total time for speeches to one hour.

Taking a human rights perspective, consider the rights, duties, liability and remedies arising out of the incidents involving Faisal and the various members of the group. [30 marks]

[illegible]

[Turn over]



[illegible]











[Turn over]

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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.

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The police received a report of two men, both wearing black hoodies and one possibly armed with a gun, behaving suspiciously outside a jewellery shop. As they responded and reached the shop, police officers thought they heard a gunshot. At just that time, Hugh, who was wearing a blue hoodie, was passing the shop on his morning jog. The officers believed he was running away and called for him to stop. Hugh did not hear them and continued running. He suddenly found himself being roughly detained by the officers, who ignored his protests and arrested him on suspicion of robbery. He was held for two hours at a police station before being released without charge.

Meanwhile, other police officers had looked into the jewellery shop and had seen customers lying on the floor and two men putting items of jewellery into a bag. Armed officers then entered the shop and shouted at the men to put their hands up. One did, but the other, Ivan, reached down towards his pocket. One of the armed officers immediately shot Ivan in the chest and killed him. When Ivan's body was searched, a fake gun which could fire only blanks was found in his pocket.



A week earlier, the police had been warned by a usually reliable source that armed robberies of local businesses were being planned. However, the officer who should have followed up on this misplaced the information and it was not passed on to anyone else.

Taking a human rights perspective, consider the rights and remedies of Hugh and of Ivan's family, AND the duties of the Police in relation to this incident.

Assess the extent to which the rules you have applied in relation to Ivan's death achieve an appropriate balancing of the interests involved. [30 marks]

[Turn over]





[illegible]













30



Additional page, if required.

Write the question numbers in the left-hand margin.



Additional page, if required.

Write the question numbers in the left-hand margin.

[illegible]

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| Question | Mark |
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| TOTAL | |

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