



Oxford Cambridge and RSA

Tuesday 10 June 2025 – 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** option in Section B. Answer the **three** questions in **either** Part 1 **or** Part 2 from the option you have chosen.

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 **8** 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 problem with defining justice is that very few people agree on what justice actually means.'

Discuss how the legal system defines justice given this statement.

[20]

- 2*** 'The rule of law is a deceptive term because there is no single 'rule' to follow. It is best understood as a collection of principles designed to produce fair and just outcomes.'

Discuss this view of the rule of law.

[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** related.

Sam is a controversial journalist on a tour promoting his new book *Citizens in Action*. He does not allow cameras into his venues. However, at his first venue he is secretly filmed explaining that citizen action means taking 'any direct action necessary' to pursue a goal, including criminal acts. He also says that 'any lawyer acting for an asylum seeker should have his house burned down'. The video clip is posted online and soon goes viral. As a result, the following events happen:

- At his second venue the local council, having viewed the online clips from the first show, withdraw the license. When he arrives, he finds the venue is closed and his show has been cancelled.
- A government official acting for the Home Office applies for a banning order to prevent Sam's book being sold on the grounds that it is spreading hate speech.
- Yana, a protestor, throws green paint over Sam and is arrested and charged with battery.

While Yana is awaiting her trial, her boyfriend, Riley, starts harassing Sam and his family. He spies on Sam's home and family taking photographs which he emails to Sam. Sam is very worried about his family's safety. Sam's wife, Amaya, starts to receive anonymous phone calls accusing Sam of being violent and of having abused his partners over many years. She also receives messages appearing to be from Sam's previous girlfriend. In fact, the calls and messages are from Riley.

Amaya is also sent links to a pornographic website containing obscene video material showing Sam participating in a variety of disturbing and illegal sexual acts. In fact, all the images are fake and have been created by Riley using an AI (artificial intelligence) video generating programme.

- 3 Advise Sam whether he will be able to rely on his Article 10 rights to challenge the closure of the venue **and** the banning of the book **and** advise Yana on whether she can rely on her Article 10 rights in relation to the criminal charge for throwing the paint over Sam. Do **not** consider Article 11. [20]
- 4 Advise Sam and Amaya how the law on harassment would apply to Riley's emails, phone calls and messages **and** how the law on obscenity would apply to Riley's fake video material. [20]

Essay question on human rights law

- 5* 'Despite its fundamental significance as a human right, the right to a fair trial under the European Convention on Human Rights has been far too frequently violated.'

Discuss whether the mechanisms to protect a fair criminal trial are effective given this statement.

[20]

Part 2

Answer the **three** questions.

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

During an international flight to the UK, a flight attendant notices that two passengers are showing symptoms of an unusual illness. The Ministry of Health orders that the plane should be kept on the runway until all the passengers have been medically checked. All the passengers are checked for symptoms and, sixteen hours later, they are finally allowed to leave the plane.

The passengers are also told that they must self-isolate at home for fourteen days as a precaution. The next day, one of the passengers, Jamal, goes out shopping for food. He is spotted by police, arrested and taken to a secure medical facility. He is kept there in strict isolation for two months.

On another international flight to the UK, one of the passengers, Umi, is fleeing a warzone. They claim asylum and are taken to a secure detention centre. Eight months later, Umi is still in the centre waiting for their claim to be processed.

Felix is the new prison governor at Lawton Prison. He has introduced strict new rules to combat a recent rise in violence, drug use and unrest in the prison. Under the new rules the following events happen:

- Hugo is a prisoner serving a life sentence. His parole hearing is cancelled and he is told it would be 'a waste of time'. His request to consult a lawyer is also refused.
- Felix implements a new rule to cut the pay of any prison officer on duty whenever there is a disturbance. The rule is made without following the usual requirement of consulting the prison officers' union. Jack is the first officer to have his pay cut.
- Leo is a suspected terrorist who is on remand. Felix orders that he is kept in solitary confinement for long periods and not allowed to mix with the ordinary prisoners.

Hugo, Jack and Leo seek a judicial review of the decisions made by Felix.

- 6 Advise **all** the passengers **and** Jamal on the first flight, **and** Umi on the second flight, whether any of them have had their right to liberty breached under Article 5. **[20]**
- 7 Advise Hugo, Jack, and Leo on which grounds they might challenge the decisions using judicial review **and**, if successful, which orders each of them should seek from the court. **[20]**

Essay question on human rights law

- 8* 'Despite its fundamental significance as a human right, the right to a fair trial under the European Convention on Human Rights has been far too frequently violated.'

Discuss whether the mechanisms to protect a fair criminal trial are effective given this statement. **[20]**

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