

**DEGREE OF BACHELOR OF LAWS**

**M9308 HUMAN RIGHTS LAW (RESIT EXAM PAPER)**

**DATE; Wednesday 26<sup>th</sup> July 2023 TIME: 9.30am- 11.30am**

**Percentage of final mark carried by this paper: 40%**

**Answer TWO Questions**

**PLEASE TURN OVER**

**Q.1** To what extent has Article 8 ECHR been an effective vehicle for recognising, and enforcing, rights with a socio-economic dimension, particularly those relating to destitution?’

**Q.2** ‘Article 2 of the European Convention on Human Rights tries to protect the most vulnerable members of society and given the difficulties of modern society, it does that job fairly well.’

Drawing on your studies consider whether you consider the foregoing statement to be a fair assessment of the case law of the European Court of Human Rights regarding Article 2.

**Q.3** The BBC is hosting a new series entitled “My Big Pink Extravaganza”. The series focuses on weddings which take place among a particular community (the Nomads) membership of which is determined by ethnicity. The series has been billed as a ‘revealing documentary series that offers a window into a secretive, extravagant and surprising world which exists in Britain today’. The weddings which take place are defined by considerable extravagance, lavish parties and enormous (often bright pink) wedding dresses.

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The first episode was successful, attracting approximately 8.7million viewers. Subsequent online discussions have been extremely lively. One Nomadic contributor wrote 'They haven't shown the weddings where Nomads wear normal dresses and the parties aren't so fancy.' Others have suggested that Nomads have been "given an easy ride" on the show with no analysis of how they derive their incomes. One Twitter contributor said 'they look like a bunch of tacky parasites to me. Not one among them seems to have a job. Not British at all'. Another viewer tweeted that 'So far, the girls get married at 16, live in trailers & dress like sluts'.

The programme was described as 'narrow, unfair, caricaturing and racist' by the Nomadic Movement in Britain (NMB - a well-respected community activist group). An NMB spokesperson said "We have been inundated with distressing accounts from Nomadic parents whose children are being bullied and called names. NMB members are extremely disappointed and angry about the show's portrayal of the Nomadic way of life". The NMB has demanded that the programme be taken off the air, or at the very least that Nomadic representatives are afforded a right of reply.

A leading academic, Professor Largebrain has stated "To watch 'My Big Pink Extravaganza' is to see Nomads as uneducated, flashy, and closed-minded people who live in mobile-homes and throw enormous parties. The truth about Nomads, and their oppression throughout the centuries, however, is infinitely complex. The BBC has wronged these communities, as well as the show's viewers, by failing to tell it."

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The BBC has responded to criticism by stating 'The series is an observational documentary and is made predominantly from the Nomads' perspective, talking about their own experiences. We have intentionally avoided many commonly held stereotypes and attempted to provide a balanced view. It is important to show the ethnic and cultural diversity which exists in the Britain of today. To this end, the programme makes a valuable contribution to political discussion regarding multiculturalism – a point made particularly clear given the discussions following the first episode.'

You are a lawyer working for the UK Ministry of Culture and you are under a lot of pressure from the NMB to invoke legislation which allows the banning of television programmes. However, you are aware that any laws must be read in the light of the European Convention of Human Rights, and in particular Article 10. Discuss and analyse the issues which you think will be relevant to any decision which you make.

**PLEASE TURN OVER**

**Q.4** ‘Emergencies are often a test of whether or not states truly value human rights. When put under pressure, it is all too easy to impose extreme restrictions under the pretence of protecting the greater good and there are very few restraints upon such state action.’

Drawing on your studies, critique the framework provided by the European Convention on Human Rights on managing emergencies without abandoning human rights, and consider its application in the context of recent emergency situations.

**END OF PAPER**

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