# 10.9 Human Rights Law: The UN Declaration and the Human Rights Act 1998: 30-minute Pack

AQA 8062 · about 30 minutes

Total Marks

Name: _____ Date: ____ / ____ / _____

**Answer ALL questions.**

**1** Give two differences between the 1948 Universal Declaration of Human Rights and the Human Rights Act 1998 in the UK context.

**(Total for Question 1 is 2 marks)**

**2** Give three features of the Universal Declaration of Human Rights (UDHR) from 1948 that are relevant to modern human rights law in the UK.

**(Total for Question 2 is 3 marks)**

**3** Give three possible legal outcomes when a court finds that a public authority in the UK has violated a person's human rights under the Human Rights Act 1998.

**(Total for Question 3 is 3 marks)**


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**4** Evaluate the view that human rights are more important than religious law. In your answer you should: give reasoned arguments to support this statement, give reasoned arguments to support a different point of view, refer to religious arguments and sources where relevant, and reach a justified conclusion.

**(Total for Question 4 is 15 marks)**


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**5** Explain two ways the Human Rights Act 1998 affects how public bodies must behave in the UK, with brief examples.

**(Total for Question 5 is 4 marks)**

**6** Explain two reasons why UK courts sometimes have to balance freedom of religion against other rights such as equality, using the Human Rights Act 1998 context.

**(Total for Question 6 is 4 marks)**


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# Mark scheme · 10.9 Human Rights Law: The UN Declaration and the Human Rights Act 1998: 30-minute Pack

## Question 1

difference 1: UDHR is an international declaration and is non-binding, oe **B1**

difference 2: HRA 1998 is domestic UK law that gives legal effect to Convention rights in UK courts, oe **B1**

**Answer: UDHR is a non-binding international declaration; the HRA 1998 is UK domestic law giving effect to Convention rights in national courts.**

## Question 2

it sets out a broad list of universal rights applicable to all people, oe **B1**

it is not a binding treaty but a key statement that influenced later treaties and national laws, oe **B1**

it inspired regional instruments and conventions such as the European Convention on Human Rights, which underpins the HRA 1998, oe **B1**

**Answer: Any three: UDHR lists universal rights; it is an influential non-binding declaration; it inspired treaties like the ECHR which underpin UK law.**

## Question 3

an award of damages or compensation to the person whose rights were breached, oe **B1**

a declaration that the action or policy was incompatible with Convention rights, oe **B1**

an order requiring the public authority to change its practice or to take specific steps to remedy the breach, oe **B1**

**Answer: Any three: damages awarded; declaration of incompatibility; court orders or remedies requiring changed practice.**

## Question 4

**Level 4** A well-developed, balanced evaluation that addresses both sides of the argument, uses relevant religious and legal examples and sources, applies clear reasoning about how human rights and religious law interact, and reaches a supported conclusion. **10-12**

**Level 3** A clear response that gives arguments for and against with some use of religious and legal examples, showing understanding of the tensions and offering a supported conclusion. **7-9**

**Level 2** A basic response that presents some relevant arguments on both sides but with limited development or use of examples, and a simple conclusion. **4-6**

**Level 1** Limited content with few relevant points, little or no development, and no clear conclusion. **1-3**

**Level 0** No relevant content. **0**

**Indicative content:**

- Arguments supporting the statement: human rights law is democratically enacted and designed to protect everyone equally, including protection from discrimination and harm; HRA and ECHR provide enforceable rights and remedies in courts, which gives practical protection that can override private religious rules when they harm others.
- Arguments supporting the opposite view: for many believers religious law is seen as divinely authoritative and morally binding, so it may be judged superior to human laws; religious communities may argue that their internal rules govern conscience, worship and community life and that this autonomy should be respected.
- Religious arguments and sources: Christians may appeal to Genesis 1:27 to support universal human dignity that aligns with human rights, or they may argue that specific moral teachings in scripture should guide behaviour even if civil law differs; Muslims may cite Quran 2:256 to support religious freedom but may also refer to traditional jurisprudence about community law and conscience.
- Consideration of legal balancing: UK law balances rights so neither human rights nor religious law is absolute; cases under the HRA show proportionality tests and attempts to respect religious practice while protecting other rights such as equality and public safety.
- Practical examples: cases where employers were not allowed to discriminate on religious grounds; cases where religious dress or observance has been accommodated by public bodies; instances where public order or equality justified limiting a religious practice.
- A reasoned conclusion that weighs the enforceability and universality of human rights against the deep moral authority of religious law for believers, and that may argue for a contextual position where human rights law is necessary for pluralist societies but respectful engagement with religious laws is important where possible.


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## Question 5

point 1: public bodies must act compatibly with Convention rights s6 HRA, oe **B1**

development: example such as a local council or hospital changing policy to avoid breaching Article 9 or Article 10, oe **B1**

point 2: courts can interpret legislation to be compatible under s3 or issue declarations of incompatibility under s4, oe **B1**

development: example such as a court interpretation affecting how a statute is applied so an individual's rights are protected, oe **B1**

**Answer: E.g. public bodies must act in line with Convention rights, so councils or hospitals may change policies affecting worship or expression; courts interpret legislation compatibly or issue declarations of incompatibility to protect individual rights.**

## Question 6

reason 1: rights are not absolute under the HRA so courts must weigh competing rights when they conflict, oe **B1**

development: courts consider factors like proportionality and whether limitations are necessary in a democratic society, oe **B1**

reason 2: protecting vulnerable groups and equality may require limiting some religious practices, oe **B1**

development: example such as refusing a religious exemption that would allow discrimination in employment, courts balance equality and religious freedom, oe **B1**

**Answer: E.g. courts balance because rights are not absolute and must be proportionate and necessary, and because protecting equality or vulnerable people can require limiting certain religious practices such as discriminatory acts in employment.**


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