



Humanities

GCE HUMANITIES

CANDIDATE STYLE ANSWERS

G102 – UNIT 2: PEOPLE, COMMUNITY AND POWER

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INTRODUCTION

These support materials are intended to support teachers in their marking. There are three candidate style responses with accompanying commentary. These exemplars are based on the published Specimen Assessment Materials (SAMs), which can be downloaded from the relevant OCR webpage for the specification.

The exemplars and commentaries should be read alongside the specification which is available from the website.

OCR will update these materials as appropriate.

Centres may wish to use these support materials in a number of ways:

- teacher training in interpretation of the marking criteria
- departmental standardisation meetings
- exemplars for candidates to review.

QUESTION 1 (a)

Using Source A, describe what impact the abolition of the Human Rights Act 1998 would have on people in the United Kingdom.

[5]**Source A:** The History of Universal Human Rights

Date	Event	Achievement
1215	Magna Carta	No free man shall be imprisoned without a fair trial by his equals
1381	The Peasants Revolt	All men were created alike – bondage and servitude came in by the unjust oppression by men
1776	The American Declaration of Independence	We hold these truths to be self-evident that all men are created equal
1789	The Declaration of the Rights of Man	Men are born and remain free and equal in rights
1948	The Universal Declaration of Human Rights	All human beings are born free and equal in dignity and rights
1950	The European Convention on Human Rights	All signatories to the Convention agree to enforce the rights in all its articles
2000	The Human Rights Act	Enables ordinary citizens to take governments to the European Court of Human Rights

MARKING CRITERIA

Question		Answer	Marks	Guidance
1	(a)	<p>AO1 5 marks Indicative Content Source A</p> <ul style="list-style-type: none"> • Human Rights Act gives redress to ordinary citizens if governments abuse their rights. • Enshrines earlier rights in law. <p>Level 4 (5 marks) Relevant accurate and detailed knowledge demonstrated. Thorough descriptions with excellent detail. Candidate demonstrates an awareness that the Human Rights Act enshrines rights in law with the consequent safeguard of legal action/sanction to protect individuals from abuse. Repeal would weaken the safeguarding of rights because this would now be dependent on governments being willing to act to enforce rights. It would end appeal to European Court of Human Rights.</p> <p>Level 3 (3–4 marks) Sound knowledge base with descriptions supported by limited evidence. Candidate clearly understands that repeal could have major impacts on the safeguarding of rights. Descriptions are general and lack specific details.</p> <p>Level 2 (2 marks) Some basic knowledge leading to limited and/or partial description. Candidate makes a limited/partial statement that suggests this would be a change for the worse.</p> <p>Level 1 (1 mark) Little knowledge presented in a vague way with little understanding. Protection of rights would get worse. No attempt to explain how or why.</p> <p>Level 0 (0 marks) No relevant material.</p>	[5]	

EXEMPLAR AND COMMENTARY

CANDIDATE A

The belief in human rights was long established before any human rights Act, and therefore the belief in the rights of the people is fundamental and supersedes any law.

Therefore, the abolition of the Act itself may not change the way the general public view their rights, and the expectation that similar, if not the same rights would be upheld by a new law.

One of the conditions of the Act is that governments must respect, protect and promote the rights, so the UK could also see a lack of respect and an increase in the powers of government over its people if the Act was indeed abolished. Most importantly it would stop people appealing to the European Court of Human Rights, the achievement stated in Source A.

COMMENTARY FOR CANDIDATE A

The mark awarded for this answer is Level 3: 4 marks.

The candidate has correctly identified that the HRA is the legal codification of pre-existing human rights which were aspirations rather than rights. The candidate puts forward the argument that these rights are so firmly embedded in the UK that abolition would lead to their replacement with something similar. The point is clearly made that government would have greater power over people and that the population would be worse off e.g. no more appeals to the ECHR. Sound knowledge base with descriptions supported by limited evidence.

The answer could be improved by deploying more information to support the arguments made and making the arguments more clearly.

CANDIDATE B

Source A describes Human Rights as something that people have simply because they are human. From this we can understand that the rights granted by the Human Rights Act 1998 are given to every citizen regardless of race, religion, gender etc. This essentially promotes equality throughout the population. If the HRA were to be abolished it could possibly lead to a kind of segregation between races, classes, genders and religions, and inequalities would develop.

Source A also states that governments should enforce human rights. This means that as long as the HRA is in place, a government has significant responsibilities. If it were not in place, and a government were to come into power with views contrary to the HRA, some groups of people in the UK could become marginalised, which would not be a positive step forward for a major developed nation.

COMMENTARY FOR CANDIDATE B

The mark awarded for this answer is Level 3: 3 marks.

The candidate correctly identifies the source of the rights codified in the HRA and the potential impact of abolition. The point is clearly made that government would have greater power over people and that the sections of population would be worse off. The answer would have benefitted from comment about the removal of appeal to the ECHR. The language used aids the clarity of the arguments put forward. Sound knowledge base with descriptions supported by limited evidence.

The answer could be improved by using all the information available in the source to support the arguments made.

CANDIDATE C

The British Government would not have to enforce human rights. People can be persecuted and punishable by law which isn't justified because they're not protected by human rights which Source A says everyone should have. The British people would therefore not be protected in any single way. The impact the abolition of the Human Rights Act of 1998 could be entirely negative, if the people are not being protected and are therefore consequently subject to oppression and injustice.

COMMENTARY FOR CANDIDATE C

The mark awarded for this answer is Level 2: 2 marks.

The candidate correctly uses basic information identified from the document. The information is presented as a series of unconnected statements. The answer would have benefitted from a more structured approach in deploying the information to support an argument. Some basic knowledge leading to limited and/or partial description.

The answer could be improved by deploying more information to support the arguments made and making the arguments more clearly.

QUESTION 1 (b)

Explain the argument being made in Source C about the basis on which governments are entitled to govern and the measures that should be taken against a government which fails to govern correctly.

[10]

Source C: Extract from the US Declaration of Independence adopted by the Continental Congress July 4th 1776

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. — That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, — That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.

MARKING CRITERIA

Question		Answer	Marks	Guidance
1	(b)	<p>AO1 4 marks; AO2 6 marks Indicative Content</p> <p>Source C makes the following points:</p> <ul style="list-style-type: none"> • men are endowed with unalienable rights • these are life, liberty and the pursuit of happiness • governments are created to ensure these rights • government powers come from the agreement of the governed • when government does not ensure rights it can be altered/abolished • a new, more appropriate government should take its place. <p>Level 4 (7–10 marks) Clear evidence of extraction from the source to support the explanation being put forward. Provides detailed evidence of the basis for forming governments and the grounds on which they can be removed or replaced.</p> <p>A detailed explanation of the development of the concept that the primary role of government is to protect individual rights. This stems from the innate rights of all people and means that government owes its legitimacy to the agreement of the governed. As a consequence failure to govern correctly will lead to change or abolition.</p> <p>Level 3 (4–6 marks) Good evidence of extraction from the source to support the explanation being put forward. Provides evidence of the basis for forming governments and the grounds on which they can be removed or replaced.</p> <p>A convincing explanation of the development of the concept that the primary role of government is to protect individual rights but supported by some evidence. Does not fully develop the explanation and may not include all relevant information.</p>	[10]	

Question		Answer	Marks	Guidance
1	(b)	<p>Level 2 (2–3 marks) Some basic extraction leading to limited and/or partial explanation.</p> <p>A limited or partial explanation of the development of the concept that the primary role of government is to protect individual rights supported by limited evidence. No real attempt to develop the explanation and little relevant information deployed.</p> <p>Level 1 (1 mark) Little extraction presented in a vague way with little understanding. An explanation of the development of the concept that basic human rights are implicit and it is the role of the state to facilitate this which attempts analysis, interpretation and evaluation with little success.</p> <p>Level 0 (0 marks) No relevant material.</p>		

EXEMPLAR AND COMMENTARY

CANDIDATE A

Source C says the inalienable rights, the natural rights, and says that to achieve these rights, “governments are instituted among men”. This implies that those rights are there because governments take seriously their role in upholding the rights of “life, liberty and the pursuit of happiness” of all of their people.

Also included is the right of the people to abolish a government destructive of these ends, usually through the ballot box. This is probably why democratic countries are more concerned with protecting and promoting people’s rights; if they don’t, they will be voted out of office.

In non-democratic societies, people must fight, often literally, for this right. Source C shows that governments need to respect and secure human rights if they are to be allowed to continue to govern

COMMENTARY FOR CANDIDATE A

The mark awarded for this answer is Level 3: 6 marks

The candidate provides good evidence of how and why governments are formed and can be changed. Clear evidence given to show that the candidate understands the primary role of government is to protect human rights. Good evidence of extraction from the source to support the explanation.

The answer could be improved by a more developed explanation supported by the inclusion of all relevant information.

CANDIDATE B

Source C says that governments must respect, protect and promote human rights. It states “to secure these rights governments are instituted among men” suggesting the very nature of governments is to protect the rights of citizens and therefore government is important in the establishment of rights as a universal reality.

However it goes on to say “it is the right of the people to alter or abolish it” suggesting people have a greater responsibility for ensuring their rights are a universal reality.

COMMENTARY FOR CANDIDATE B

The mark awarded for this answer is Level 2: 3 marks.

The candidate provides some evidence of how and why governments are formed and can be changed. Limited evidence given to show some understanding of the idea that the first role of government is to protect human rights. Some evidence that the source has been used. Little attempt to develop an explanation or use detail from the source leading to a partial answer.

The answer could be improved by a more developed use of the source to produce an explanation supported by the inclusion of more relevant information.

CANDIDATE C

Source C is very much for the proposition, although it should be noted it is talking only of the citizens of America as its 'people' or 'men', so is difficult to use in a universal context.

The source basically outlines that the duty of the government is to uphold its people rights and self-interests, and if they are complacent or insufficient in this the people should be allowed to overthrow them, giving people the ultimate power and all the rights.

The document is only protecting and promoting American rights, however, and this leads to many issues when America does not respect the rights of citizens of other countries and so cannot be said to promote the ideas universally.

COMMENTARY FOR CANDIDATE C

The mark awarded for this answer is Level 3: 4 marks.

The candidate provides some evidence of how and why governments are formed and can be changed, and the candidate understands the primary role of government is to protect human rights. The first and last paragraph state similar points about the extent to which the document relates to the USA only. This is not really relevant to the question.

The answer could be improved by a more targeted explanation directly answering the question supported by the inclusion of all relevant information.

QUESTION 1 (c)

Use your own knowledge to assess how far Sources A–C support the proposition that governments must 'respect, protect and promote' human rights for them to become a universal reality.

[25]

Source B: On August 28th 1963 Martin Luther King addressed a civil rights march on Washington D.C.

... we have come here today to dramatize an appalling condition.

In a sense we have come to our nation's capital to cash a check. When the architects of our republic wrote the magnificent words of the Constitution and the declaration of Independence, they were signing a promissory note to which every American was to fall heir. This note was a promise that all men would be guaranteed the inalienable rights of life, liberty, and the pursuit of happiness.

GENERIC LEVELS OF RESPONSE

Level	AO1 7 marks	AO2 10 marks	AO3 8 marks
		Demonstrate knowledge and understanding from across the humanities and social sciences disciplines.	Apply knowledge and understanding to analyse, interpret and evaluate evidence in a range of forms from across the humanities and social sciences disciplines.
4	<ul style="list-style-type: none"> Wide range of relevant, accurate and detailed knowledge demonstrated. Thorough explanations with extensive detail. <p>6–7 marks</p>	<ul style="list-style-type: none"> Thorough analysis and interpretation of a wide range of evidence. Thorough evaluation linked to thorough explanations. <p>8–10 marks</p>	<ul style="list-style-type: none"> Sources competently deployed to support arguments. Valid conclusions reached, supported by evidence. Analysis and conclusions accurately and coherently communicated. Spelling, punctuation and grammar accurate; meaning is very clear. <p>7–8 marks</p>
3	<ul style="list-style-type: none"> Adequate knowledge demonstrated, usually accurate and relevant. Adequate explanations, not highly detailed. <p>4–5 marks</p>	<ul style="list-style-type: none"> Adequate analysis and interpretation of a range of evidence. Adequate attempt at evaluation linked to adequate explanations. <p>5–7 marks</p>	<ul style="list-style-type: none"> Sources deployed adequately to support arguments. Conclusions generally valid, but not always supported by evidence. Analysis and conclusions adequately communicated in a structured way. Spelling, punctuation and grammar usually accurate and meaning generally clear. <p>5–6 marks</p>

GENERIC LEVELS OF RESPONSE

Level	AO1 7 marks	AO2 10 marks	AO3 8 marks
	Demonstrate knowledge and understanding from across the humanities and social sciences disciplines.	Apply knowledge and understanding to analyse, interpret and evaluate evidence in a range of forms from across the humanities and social sciences disciplines.	Demonstrate independent research skills, using relevant methods from across the range of humanities and social sciences critically and appropriately to investigate unfamiliar issues, reach evidenced conclusions and communicate findings effectively.
2	<ul style="list-style-type: none"> Limited, relevant and accurate knowledge demonstrated. Limited or partial explanations. <p>2–3 marks</p>	<ul style="list-style-type: none"> Limited analysis and interpretation of a limited range of evidence. Limited evaluation linked to partial explanations. <p>2–4 marks</p>	<ul style="list-style-type: none"> Some sources deployed relevantly to support arguments. Some valid conclusions, but limited and not closely related to evidence. Analysis and conclusions broadly related to task, but some vagueness in communication. Spelling, punctuation and grammar have some inaccuracies and meaning not always clear. <p>3–4 marks</p>
1	<ul style="list-style-type: none"> Little knowledge demonstrated, not always relevant or accurate. Vague or largely incoherent explanations. <p>1 mark</p>	<ul style="list-style-type: none"> Inadequate attempt at analysis and interpretation. Inadequate evaluation linked to vague or largely incoherent explanations. <p>1 mark</p>	<ul style="list-style-type: none"> Sources only loosely related to arguments. Conclusions inadequately supported by evidence or asserted with no justification. Analysis and conclusions largely unrelated to task and communication vague or largely incoherent. Spelling, punctuation and grammar inaccurate and meaning obscured. <p>1–2 marks</p>
0	<ul style="list-style-type: none"> No relevant material 	<ul style="list-style-type: none"> No relevant material 	<ul style="list-style-type: none"> No relevant material

MARKING CRITERIA

Question		Answer	Marks	Guidance
1	(c)	<p>AO1 7 marks; AO2 10 marks; AO3 8 marks</p> <p>Indicative Content</p> <p>Source A supportive as it describes the historical process by which human rights have eventually become an issue that governments promote.</p> <p>Source B supportive as it illustrates how government can subvert the rights of people for its own ends and the problems that can cause for individuals, groups and society in general.</p> <p>Source C supportive as it describes the basis on which government has the right to exist by consent from the people it governs. The basis of that consent is the protection of unalienable rights.</p> <p>Own knowledge Candidates might mention the following:</p> <ul style="list-style-type: none"> • other examples from their own studies of governmental abuse of power such as: <ul style="list-style-type: none"> -Apartheid in South Africa -The Civil Rights movement in the USA • examples where government is the only agency able to intervene e.g. discrimination on racial, sexual, religious grounds • human rights have always been vulnerable until governmental involvement. <p>Level 4 Points similar to the above are cogently argued, with quotations from the sources plus examples from own knowledge which are highly relevant and support the points being made closely.</p> <p>Candidate comes to a clear conclusion on the degree of support offered by the sources, closely related to evidence.</p> <p>Level 3 Several points similar to the above are argued, with quotations from the sources plus examples from own knowledge which are support the points being made well.</p> <p>Candidate comes to a clear conclusion on the degree of support offered by the sources, based on evidence.</p>	[25]	

MARKING CRITERIA

Question		Answer	Marks	Guidance
1	(c)	<p>Level 2 Some points similar to the above are made, with quotations from the sources plus examples from own knowledge which are evaluated in a limited way and loosely related to the points being made. Candidate comes to a conclusion on the degree of support offered by the sources but this is only loosely evidenced.</p> <p>Level 1 Few relevant points are made. Little evidence is offered in support. Sources are not used to support point. Conclusion is superficial, unclear or lacking.</p> <p>Level 0 (0 marks) No relevant material.</p>	[25]	

EXEMPLAR AND COMMENTARY

CANDIDATE A

Human rights are a language that every country should have fluent. If not miss translation or understanding can affect people's lives. Countries must be able decide what is fair and not for members of their country. Corruption, poverty and hunger are avoidable disasters.

Human rights offer every person equality and fairness. If they are unrecognised by a country their laws would treat working people unfairly. It is the job of the world community to ensure everyone is treated fairly. Therefore it is the job of this country to ensure everyone is entitled to human rights.

COMMENTARY FOR CANDIDATE A

The mark awarded for this answer is

AO1 Level 2: 2 marks
AO2 Level 2: 2 marks
AO3 Level 2: 3 marks

The candidate demonstrates limited relevant knowledge. The answer is brief and makes no direct reference to the sources leading to a limited and partial analysis and interpretation of the primary evidence. The research skills demonstrated are limited to some conclusions with little relationship to the evidence.

The answer could be improved by a more developed explanation with direct reference to the question and the evidence provided supported by the inclusion of all relevant information.

CANDIDATE B

Source A comes very far to support the proposition that governments must ‘respect, protect and promote’ human rights for them to become a universal reality. It states that if this is not the case, then it would be fundamentally unfair to individuals, or used to oppress minority interests. This was evident with the rise of anti-Semitism that occurred in Nazi Germany which meant that people/ minorities were stripped of their basic human rights and therefore in 1939, at the height of this, human rights were extremely far from becoming reality.

With the introduction of the Human Rights Act in 1998, although persecution and prejudice will always exist, it will never do so on such a huge scale.

Source C also supports this, being the US Declaration of Independence adopted by the continental Congress on July 4th 1776. The source states that all men are created equal and this means that people need human rights to obtain this equality throughout life. It also says that governments that do not promote human rights, then it is the right of the people to alter or abolish it. The purpose of this extract and of the whole declaration was for human rights to become a universal reality.

In Source B however, Martin Luther King expresses that human rights were far from a universal reality by saying “we have come here today to dramatise an appalling condition.” This was said on 28th August 1963 on a Civil Rights march. This was the height of the civil rights movement in the USA and campaigning to end inferior status of African Americans in the United States of America, whose rights were not respected, protected or promoted many would argue. He said that human rights for everybody was to come, and this universal reality should be felt with joy and optimism. He expressed this by saying “This note was a promise that all men would be guaranteed the inalienable rights of life, liberty and the pursuit of happiness.

With all this, it is clear that governments indeed have to respect, protect and promote human rights for them to become a universal reality. The failure to do so could lead to internal uprisings and perhaps even international crisis.

COMMENTARY FOR CANDIDATE B

The mark awarded for this answer is	AO1 Level 3: 4 marks
	AO2 Level 3: 5 marks
	AO3 Level 3: 5 marks

The candidate demonstrates good relevant knowledge. The answer is detailed and makes direct reference to the sources leading to an adequate analysis and interpretation of the primary evidence. The research skills demonstrated are adequate.

The answer could be improved by a more developed explanation with detailed reference to the evidence provided supported by good research skills and the inclusion of all relevant information.

QUESTION 2 (a)

Use Source D to describe why the Attorney General issued a warning.

[5]**Source D: The Ideal Suspect?**

The murder of Joanna Yeates in December 2010 attracted widespread media coverage. Heavy snow covered most of the UK. What else was there to do except watch the rolling 24 hour news coverage of the hunt for an attractive, professional young woman? In the eyes of the media, Ms Yeates was the 'ideal victim' – white, female, professional. Many watching the ongoing bulletins thought, "That could be my daughter/sister/girlfriend/me." But for many, her landlord, Chris Jeffries, was the ideal suspect.

Following an ill-advised exchange with a news reporter, Mr. Jeffries was arrested. His anonymity was no longer protected. He was described in the press by a variety of negative adjectives. The fact that he was "a loner" seemed to be taken as proof of his guilt.

This prompted the attorney general to issue this warning –

"We need to avoid a situation where trials cannot take place or are prejudiced as a result of irrelevant or improper material being published, whether in print form or the internet, in such a way that a trial becomes impossible."

Mr. Jeffries was eventually released without charge. A second man later admitted responsibility for Ms Yeates' death, but not her murder. The large scale media intrusion into Mr Jeffries' private life revealed a particularly prejudiced attitude towards those who may be perceived as naive or eccentric.

MARKING CRITERIA

Question		Answer	Marks	Guidance
2	(a)	<p>AO1 5 marks Indicative Content</p> <p>Source D Media portrayal of Mr Jeffries was prejudicial to fair trial. Media has described him in a negative way which almost presupposed his guilt.</p> <p>Levels of Response</p> <p>Level 4 (5 marks) Detailed description of how fair trial was prejudiced by media coverage with examples from the source – jury might be influenced by what they had read.</p> <p>Level 3 (3–4 marks) Description of negative coverage suggesting guilt without any reference to real evidence.</p> <p>Level 2 (2 marks) Generalised description that media coverage was negative.</p> <p>Level 1 (1 mark) Description of events but not directly linked to issues of fair trial.</p> <p>Level 0 (0 marks) No relevant material.</p>	[5]	

EXEMPLAR AND COMMENTARY

CANDIDATE A

The Attorney General obviously issued this warning as a result of the issues with Mr. Jeffries, and in the context of this story.

COMMENTARY FOR CANDIDATE A

The mark awarded for this answer is Level 0: 0 marks

There is little reference to the source, no detail and no explanation. The response is very generalised and shows no understanding or awareness of humanities and social sciences disciplines. There is insufficient evidence in this response to award any marks.

CANDIDATE B

Source D states that Attorney General issued a warning in order to stop a trial being unfair due to "irrelevant or improper material", which would make the trial impossible. Therefore, he felt the need to step in to prevent the trial being unfair and unjust, as prejudice was being created towards a ~~suspect~~ suspect. I know that in this country ~~we~~ everyone has a right to a fair trial, including the suspect ~~and~~ because people are taken to be innocent until proven guilty. The media had created an ~~image~~ ^{idea} in people's minds that this man was guilty, before he would have been trialled, so his right to innocence until proven otherwise would have been in jeopardy, hence the warning.

COMMENTARY FOR CANDIDATE B

The mark awarded for this answer is Level 3: 4 marks

Candidate B selects one appropriate reference from the source. There is some understanding of a fair trial – "in order to stop a trial being unfair" – and this does identify the result of media coverage – "prejudice was being created towards the suspect". There is a little of the candidate's own knowledge in the reference to "innocent until proven guilty". The response is somewhat repetitive though; the unfairness of the trial and the media coverage making the public think he was guilty are expressed more than once, and there is no awareness of the lack of evidence. This response can be credited with the higher mark in the Level 3 band.

CANDIDATE C

According to source, the Attorney General issued a warning -
 "We need to avoid a situation where trials cannot take place or are prejudiced as a result of irrelevant or improper material being published."

This means that to be prejudicial against someone who is suspected of a crime as severe as murder could mean that they would be seen as guilty even before the trial takes place. This would be an infringement of this particular person's human rights and therefore a trial would not be possible, ~~that~~ as we are a liberal democracy, and have signed the UDHR. This is especially prominent as this particular man was found not to be guilty. The Attorney General is therefore warning people not to be prejudiced against those who are 'naive or eccentric'.

COMMENTARY FOR CANDIDATE C

The mark awarded for this answer is Level 3: 3 marks

Candidate C selects two appropriate quotations from the source, with some detailed explanation. The candidate's own knowledge is used well, making reference to Human Rights legislation rather than a broad assumption of 'rights'. There is an understanding of prejudice and the response touches on the presupposition of guilt - "they would be seen as guilty even before the trial takes place". Toward the end, this begins to 'drift' a little and the comments are not linked directly to media coverage. The reference to Mr. Jeffries - "was found to be not guilty" - is technically inaccurate, but credit can be given as there is some basic awareness in the last comment that he became a victim as a result of being "naive and eccentric." This response merits the lower mark from the Level 3 band of the mark scheme.

CANDIDATE D

The indigenous population of this planet has a responsibility to ensure people are treated fairly until it is certain they have done wrong. People's opinions, guesses and gossip is irrelevant, invalid and most of all spiteful.

If the source hadnt stood up and said this was wrong then you are condoning charging people in the public eye without proof. Defying our rights, justice system and democracy.

COMMENTARY FOR CANDIDATE D

The mark awarded for this answer is Level 1: 1 mark

Candidate D's response can be awarded a mark at the lowest point in the mark scheme. There is no reference to the text, and it is generalised, but it does mention the issue of fairness, which shows some understanding of why the warning was issued. There is a broad statement which outlines the "responsibility to ensure people are treated fairly until it is certain they have done wrong." This is developed a little by considering briefly the lack of evidence – it mentions "people's opinions, guesses and gossip" End then explains the consequences of this – "you are condoning charging people in the public eye without proof." There is little explicit reference to the source and these comments are not linked to this trial in particular.

CANDIDATE E

2a) I believe that the Attorney General issued a warning as a reminder that everyone has a right to a fair trial and that this could not happen if the suspect was already presumed to be guilty before the trial even started. This is supported by source D stating “we need to avoid a situation where trials cannot take place...as a result of improper material being published.” It could also be that he felt the very intrusive nature of the reporting was coming close to breaking the laws on libel and privacy, and he wished to prevent this. (It is also worth noting that two newspapers were later prosecuted by the Attorney General for their extravagant reporting.) Even people who commit terrible crimes have rights, and those rights are there to protect their privacy (and that of their family) and to enable them to have a fair trial, which they may not get if their name has been made public and the media have labelled them as ‘guilty’, even by association or hinting. I think this is why the warning was issued.

COMMENTARY FOR CANDIDATE E

The mark awarded for this answer is Level 4: 5 marks

Candidate E begins with a strong opening sentence which refers to the “right to a fair trial” and the presumption of guilt. A relevant quotation is given, with some selection to highlight what this candidate feels is the main issue. ‘Own knowledge’ is shown in several places in the references to libel and privacy laws and subsequent prosecutions. The comment “even by association or hinting” implies the lack of evidence and the comments are linked to media conduct. This response merits a mark from Level 4 of the mark scheme, although greater reference to the source would make this more secure.

QUESTION 2 (b)

Use Source E to explain the contradictions which exist between the individual's right to privacy and freedom of speech.

[10]**Source E: Twitter faces legal action by footballer over privacy**

A footballer has launched legal action against Twitter after a number of the microblogging site's users claimed to reveal the name of the player who allegedly had an affair with a model.

The footballer's legal team began the legal action at the high court in London on Wednesday, in what is thought to be the first action against the US social media firm and its users.

The lawsuit lists the defendants as "Twitter Inc and persons unknown" and described them as those "responsible for the publication of information on the Twitter accounts".

Earlier this month, someone unknown published the names of various people who had allegedly taken out gagging orders to conceal sexual indiscretions on a Twitter account. The account rapidly attracted more than 100000 followers. Twitter declined to comment.

The lord chief justice, Lord Judge, said Twitter and its users were totally out of control when it comes to privacy injunctions and court orders.

MARKING CRITERIA

Question		Answer	Marks	Guidance
2	(b)	<p>AO1 4 marks; AO2 6 marks Indicative Content</p> <p>Source E and own knowledge</p> <ul style="list-style-type: none"> • Social networking media allow a large number of people to spread information. This could be seen as free speech. • Individuals have a right to privacy – should this be set aside just because they are famous? • People in the public eye make a living by ‘courting’ the media and the publicity they can generate. Should they not then ensure their behaviour bears scrutiny? • Apparent inequalities regarding super injunctions – men protected/women named, rich have access to or protection of the law/‘ordinary’ people do not have the same degree of access or protection. • European Convention mentions ‘protection of rights/freedoms of others – model was named in the press while the footballer wasn’t. Are her rights less important/equal? • Convention also mentions ‘protection of health or morals’ – if the activity could be considered as ‘immoral’, does that nullify the right to anonymity/privacy? • Famous sportspersons/politicians are role models and their behaviour should reflect that. • It’s a free country so people can live how they like as long as it’s lawful behaviour. • Privacy laws vs Free Press. • The public interest vs what the public is interested in. <p>Level 4 (7–10 marks) Clear analysis and interpretation of detailed evidence extracted from the source and own knowledge to explore contradictions for right to privacy. Good analysis and interpretation of the source leads to a thorough evaluation of the strengths and weaknesses of the case.</p> <p>Level 3 (4–6 marks) Sound interpretation of the source with a sound attempt to evaluate the contradictions, backed up by own knowledge.</p> <p>Level 2 (2–3 marks) A limited or partial explanation of the contradictions supported by some evidence. Limited interpretation of the source with a little attempt to evaluate the strengths and weaknesses of the case. Agreement or disagreement supported with limited attempt to provide evidence.</p>	[10]	

MARKING CRITERIA

Question		Answer	Marks	Guidance
2	(b)	<p>Level 1 (1 mark) A description of some of the contradictions surrounding the right to privacy which is simplistic.</p> <p>Level 0 (0 marks) No relevant material.</p>	[10]	

EXEMPLAR AND COMMENTARY

CANDIDATE A

Source F shows the recent case about people taking out superinjunctions against everyone to prevent issues about their private life becoming publically known. This protects their right to privacy, but at the same time prevents those in the media and on social networking sites like twitter from speaking about it, protecting their freedom of speech, which allows everyone to be able to speak their mind about whatever they want. Equally, if in leaking the information, freedom of speech is being upheld but the forsalled right to privacy is not. Because of this, there is no real way, in this case particularly, that both right to privacy and freedom of speech can be upheld together, without one becoming superior to the other.

COMMENTARY FOR CANDIDATE A

The mark awarded for this answer is Level 2: 3 marks

Candidate A shows some 'own knowledge' by referring to "superinjunctions" but does not explain the difference between this and an ordinary injunction. The contradiction between free speech and privacy is explained in detail. This makes up most of the response, but there is an attempt to evaluate this in the final sentence, and the point is made that these two rights cannot be upheld without making one more important than the other. This is a focused response, but there is no direct reference to the source. This merits the higher mark in Level 2.

CANDIDATE B

There are many contradictions existing between the individual's right to privacy and freedom of speech. Source P shows a footballer exercising their right to privacy by launching legal action against Twitter after a number of users revealed him to be allegedly having an affair. However, by doing this, he is essentially denying these users' rights to freedom of speech, which is of course a massive contradiction. The right to privacy and freedom of speech are not explained or exemplified enough to say that people cannot infringe people's privacy through freedom of speech, as well as someone being able to keep matters private in order to prevent freedom of speech occurring. Another example of this would be on TV shows such as 'Mock the Week' of which the format is to essentially exercise their freedom of free speech by speculating and satirising other people's lives. This could be argued as an infringement of ~~someone~~ somebody's right to privacy, and yet all they're doing is exercising freedom of speech.

COMMENTARY FOR CANDIDATE B

The mark awarded for this answer is Level 3: 5 marks

Candidate B begins with a reasoned explanation, and uses the source to exemplify this. Some analysis is seen where the candidate identifies the consequences of the legal action – “he is essentially denying these users’ rights to freedom of speech”. There is an attempt to develop this in the second paragraph, but this is rather muddled, and poorly expressed. The candidate gives an example of their own and makes a valid point that freedom of speech can be used for purposes other than to expose private details (“satirising”). This is not a strong example, but credit can be given for this. Despite saying at the start that there are “many contradictions”, these are not really explained. There is sufficient evidence here for a mark to be awarded at Level 3.

CANDIDATE C

A person's right to free speech can
 some times reveal information that some one
 feels is private. As everyone has
 a different view on what private is to
 them this issue will always be herey.

If someone has posted information on
 the internet then it is open until verified
 by an estered source in the news. So
 anything on twitter is open and there
 is not under privacy laws really.

COMMENTARY FOR CANDIDATE C

The mark awarded for this answer is Level 1: 1 mark

Candidate C identifies the conflict between free speech and privacy in the opening sentence, but never fully explains this. The second paragraph attempts to analyse and interpret but there is some misunderstanding in this, and the response as a whole becomes vague, showing misunderstanding about the legal issues. This answer meets the mark scheme descriptor of "simplistic" and is awarded a mark at Level 1.

CANDIDATE D

2b) I feel that the individual's right to freedom and other people's right to freedom of speech are two very contradictory ideals. It is possible to say one person's right is another person's loss of rights, and what a civilised society needs to do is ensure that there is a fair and legally enforceable balance between the two extremes. If the individual's right to privacy is breached by someone else's freedom of speech, what would the outcome be, particularly in a trial? Would the outcome be more or less serious if a footballer's privacy was breached by a posting on Twitter?

The two ideals are polar opposites and, confusingly, both can be breached and yet still be legal, as we can see in source F.

The Lord Chief Justice, Lord Judge, said that "Twitter and its users were totally out of control when it comes to privacy injunctions and court orders". They have broken the individual's rights to privacy, but are entitled to do so because our society also protects freedom of speech. Perhaps this is a paradox, rather than a contradiction.

We live in a democratic society and we feel that we are free to say what we believe to be the truth. If we pay, indirectly, the wages of public figures such as footballers and MPs, and they behave in a way which the majority of people disapprove of, why should this not be revealed to the public? And yet, in a democratic society, people have the right to a private life. We all do things that we would rather other people don't know about, often stupid, rather than illegal, things.

COMMENTARY FOR CANDIDATE D

The mark awarded for this answer is Level 4: 7 marks

Candidate D has a strong opening. The notion that one right effectively removes another shows depth of understanding and thought appropriate to the highest mark band, and the candidate then begins to consider the need for a "fair and legally enforceable balance". The response continues by asking valid questions, but never answers these. The candidate points out that both rights can be breached, but the issue of whether this is "legal" is the whole point of the source. Some explanation is attempted by saying that Twitter's users are "entitled to do so because our society protects the freedom of speech", and suggest this is a paradox rather than a contradiction. Some own knowledge is shown by linking "a democratic society" to the freedom to express an opinion, and also to the right to a private life. This also begins to make a distinction between "stupid" and "illegal" behaviour, but gives no examples of this. There are also some questions which go unanswered towards the end. Overall, there is sufficient evidence of analysis and evaluation in this to award a mark at the bottom of Level 4. To achieve a higher mark, some of the questions that the candidate poses could have been explored/answered.

QUESTION 2 (c)

Use your own knowledge to assess how far Sources D-F support the view that the modern media protect and preserve individual rights and freedoms.

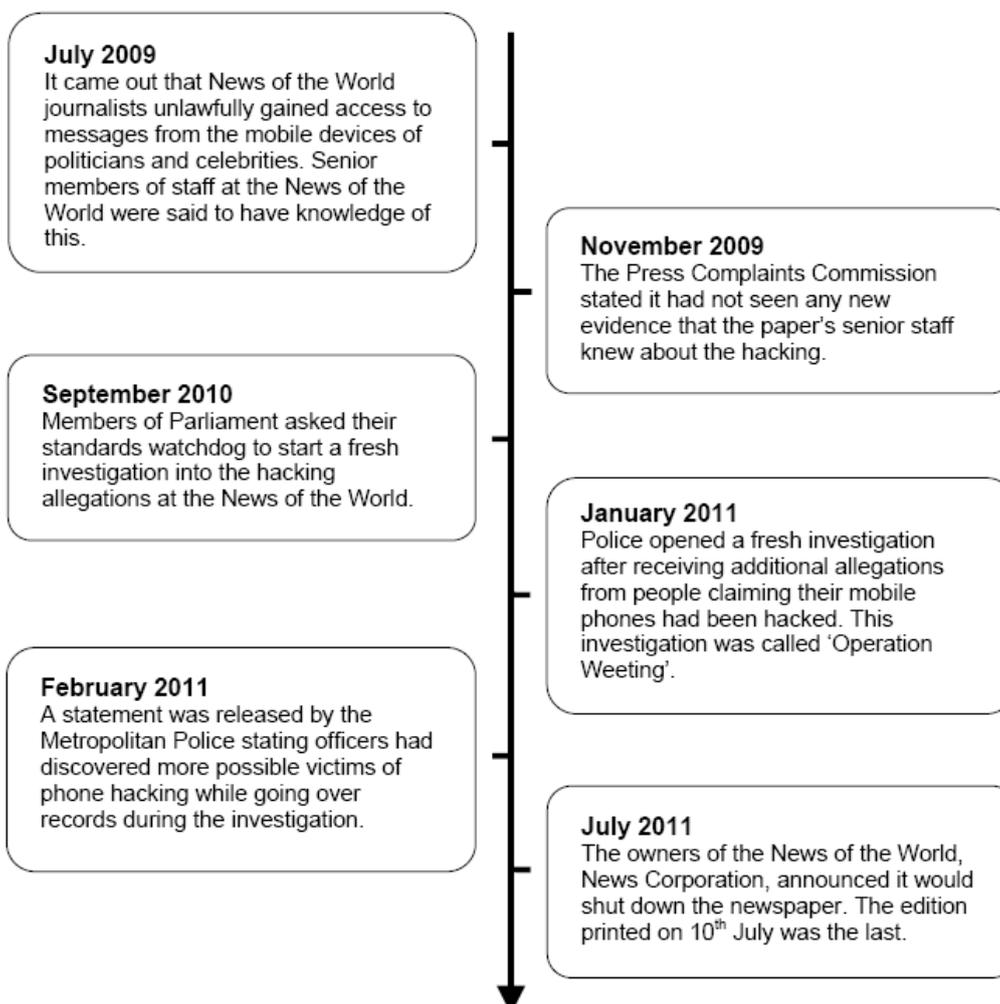
[25]

Source F: The News of the World closes as a result of phone hacking



"This model sends back a prerecorded message to any hacker."

News of the World Phone Hacking Timeline



GENERIC LEVELS OF RESPONSE

Level	AO1 7 marks	AO2 10 marks	AO3 8 marks
	Demonstrate knowledge and understanding from across the humanities and social sciences disciplines.	Apply knowledge and understanding to analyse, interpret and evaluate evidence in a range of forms from across the humanities and social sciences disciplines.	Demonstrate independent research skills, using relevant methods from across the range of humanities and social sciences critically and appropriately to investigate unfamiliar issues, reach evidenced conclusions and communicate findings effectively.
4	<ul style="list-style-type: none"> Wide range of relevant, accurate and detailed knowledge demonstrated. Thorough explanations with extensive detail. <p>6–7 marks</p>	<ul style="list-style-type: none"> Thorough analysis and interpretation of a wide range of evidence. Thorough evaluation linked to thorough explanations. <p>8–10 marks</p>	<ul style="list-style-type: none"> Sources competently deployed to support arguments. Valid conclusions reached, supported by evidence. Analysis and conclusions accurately and coherently communicated. Spelling, punctuation and grammar accurate; meaning is very clear. <p>7–8 marks</p>
3	<ul style="list-style-type: none"> Adequate knowledge demonstrated, usually accurate and relevant. Adequate explanations, not highly detailed. <p>4–5 marks</p>	<ul style="list-style-type: none"> Adequate analysis and interpretation of a range of evidence. Adequate attempt at evaluation linked to adequate explanations. <p>5–7 marks</p>	<ul style="list-style-type: none"> Sources deployed adequately to support arguments. Conclusions generally valid, but not always supported by evidence. Analysis and conclusions adequately communicated in a structured way. Spelling, punctuation and grammar usually accurate and meaning generally clear. <p>5–6 marks</p>

GENERIC LEVELS OF RESPONSE

Level	AO1 7 marks	AO2 10 marks	AO3 8 marks
	Demonstrate knowledge and understanding from across the humanities and social sciences disciplines.	Apply knowledge and understanding to analyse, interpret and evaluate evidence in a range of forms from across the humanities and social sciences disciplines.	Demonstrate independent research skills, using relevant methods from across the range of humanities and social sciences critically and appropriately to investigate unfamiliar issues, reach evidenced conclusions and communicate findings effectively.
2	<ul style="list-style-type: none"> Limited, relevant and accurate knowledge demonstrated. Limited or partial explanations. <p>2–3 marks</p>	<ul style="list-style-type: none"> Limited analysis and interpretation of a limited range of evidence. Limited evaluation linked to partial explanations. <p>2–4 marks</p>	<ul style="list-style-type: none"> Some sources deployed relevantly to support arguments. Some valid conclusions, but limited and not closely related to evidence. Analysis and conclusions broadly related to task, but some vagueness in communication. Spelling, punctuation and grammar have some inaccuracies and meaning not always clear. <p>3–4 marks</p>
1	<ul style="list-style-type: none"> Little knowledge demonstrated, not always relevant or accurate. Vague or largely incoherent explanations. <p>1 mark</p>	<ul style="list-style-type: none"> Inadequate attempt at analysis and interpretation. Inadequate evaluation linked to vague or largely incoherent explanations. <p>1 mark</p>	<ul style="list-style-type: none"> Sources only loosely related to arguments. Conclusions inadequately supported by evidence or asserted with no justification. Analysis and conclusions largely unrelated to task and communication vague or largely incoherent. Spelling, punctuation and grammar inaccurate and meaning obscured. <p>1–2 marks</p>
0	<ul style="list-style-type: none"> No relevant material 	<ul style="list-style-type: none"> No relevant material 	<ul style="list-style-type: none"> No relevant material

MARKING CRITERIA

Question	Answer	Marks	Guidance
2 (c)	<p>AO1 7 marks; AO2 10 marks; AO3 8 marks Indicative Content</p> <p>Source D Rights explored:</p> <ul style="list-style-type: none"> • Right to anonymity (or not). • Right of free speech. • Right to a fair trial. • Right to privacy – invaded without good cause. <p>The notion of ‘in the public interest’ or ‘the public’s right to know’ (implicit) How much was this in the public interest?</p> <p>Source E – Is Twitter subject to US or UK law? Twitter users defy authority of courts to name footballer. To what extent is this in the public interest? Candidates might refer to some/all of the following:</p> <ul style="list-style-type: none"> • naming suspects • the notion of innocence until proved guilty • victimising those who are ‘different’ or who do not conform to accepted conventions • identifying/protecting criminals • victims of murder have no anonymity/protection from libel • need for justice to be done (and to be seen to be done) • individual human rights • at what point do victim’s rights cease and suspect’s rights start? • globalisation – different laws in different countries • different attitudes to crime • can find information from foreign press • definition of ‘in the public interest’ • victims can be named but in some countries, suspects are guaranteed anonymity • right to a fair trial • trial by media – people’s reputations can be damaged by false accusations and innuendo. Innocent people falsely accused – it’s difficult/expensive to sue for defamation of character/ slander/libel. Character assassination • harassment laws. ‘Doorstepping’ people • should people be informed in advance that a story about them will be released? • some right infringe on the rights of others e.g. public safety vs Anonymity/new identity of a Rehabilitated criminal. 	[25]	

MARKING CRITERIA

Question		Answer	Marks	Guidance
2	(c)	<p>Source F – Are the media subject to the law? Journalists hack private phone conversations to pursue stories. To what extent is this in the public interest?</p> <p>Own Knowledge Candidates might refer to some/all of the following:</p> <ul style="list-style-type: none"> • the notion of innocence until proved guilty • victimising those who are 'different' or who do not conform to an accepted standard • identifying/protecting criminals • victims of murder have no anonymity • individual human rights • definition of 'in the public interest' • victims can be named but in some countries, suspects are guaranteed anonymity • right to a fair trial • trial by media – people's reputations can be damaged by false accusations and innuendo. Innocent people falsely accused – it's difficult/expensive to sue for defamation of character/ slander/libel. Character assassination • harassment laws. 'Door stepping' people. <p>Level 4 Points similar to the above are cogently argued, with quotations from the sources plus examples from own knowledge which are highly relevant and support the points being made closely. Candidate comes to a clear conclusion closely related to evidence presented.</p> <p>Level 3 (13–18 marks) Several points similar to the above are argued, with quotations from the sources plus examples from own knowledge which support the points being made well. Candidate comes to a clear conclusion based on evidence.</p> <p>Level 2 (7–12 marks) Some points similar to the above are made, with quotations from the sources plus examples from own knowledge which are evaluated in a limited way and loosely related to the points being made. Candidate comes to a conclusion but this is only loosely evidenced.</p> <p>Level 1 (1–6 marks) Few relevant points are made. Little evidence is offered in support. Sources are not used to support point. Conclusion is superficial, unclear or lacking.</p> <p>Level 0 (0 marks) No relevant material.</p>	[25]	

EXEMPLAR AND COMMENTARY

CANDIDATE A

The modern media has come under fire recently, both for the phone-hacking scandal, and also for leaking information, like Wikileaks. Some are saying the media goes too far, but others believe it is a fundamental part of democracy.

I agree with the views in the question because the media protects the right to freedom of speech. By releasing information in the public interest, and exposing corruption, it uses this freedom to benefit the people by criticising government for poor decisions, therefore preventing an all-powerful government that abuses the rights of people.

Also, freedom of information is used by the media in the same way, to expose government inefficiencies, and negative behaviour in society. The expenses scandal came about because of freedom of information in the media, and stopped many corrupt MPs from stealing more money from taxpayers, forcing them to face up to the punishments for what they did.

However, I also disagree with this statement.

I think the media abuses people's rights to privacy, by spreading unnecessary gossip about celebrities that may harm their reputation or family life. Just because they are famous, doesn't mean they don't have

the right to a private, respected life outside of their work. Also, as in the case of Joanna Yates, as shown in Source D, the media prevents fair trials from taking place by ~~per~~ persuading a jury suspects are guilty, before they have been properly tried, which is against the right of an individual to be innocent before being proven guilty.

In conclusion, the media in general protects the individual by promoting free speech and the flow of information, but sometimes does ~~it~~ go too far in its pursuit of popularity by over-exposing celebrities, against their right to privacy, and demonising others, making them appear guilty before they can ever defend themselves.

COMMENTARY FOR CANDIDATE A

The mark awarded for this answer is 13

AO1 Level 3: 4 marks

AO2 Level 2: 4 marks

AO3 Level 3: 5 marks

Candidate A makes limited reference to sources. Some own knowledge is shown (Wikileaks, expenses scandal) and the response outlines briefly one debate ("some are saying the media goes too far, but others believe it is a fundamental part of democracy"). The candidate then explains a perceived benefit of freedom of speech – "exposing corruption" – with some analysis of the consequences – "preventing an all-powerful government that abuses the rights of people". There is some confusion between freedom of speech and freedom of information, but the third paragraph clarifies this a little. There is some possible bias in some comments ("stealing more money from tax-payers", "many corrupt MPs") but there is a valid point underpinning these. The candidate has said that s/he agrees with the statement in the question, and supports his/her view. Now the candidate deals with why s/he disagrees with it and links this to another right. There is no requirement in the mark scheme to do this; AO3 focuses on use of sources to support arguments, valid conclusions with evidence, accurate and coherent analysis, and clear and accurate writing. With regard to this, there is a tendency to express views in an absolute way – "the media prevents fair trials from taking place". The conclusion is balanced and does evolve from the points discussed in the response. There is a clear structure to the response, despite the limited use of sources.

CANDIDATE B

The media has the power to change the countries views on people, make them bad people or heroes. Without effective rules of what can or can't be published anyone is subject to an invasion of privacy.

If people don't want people to know their ~~by~~ way things then don't commit any way damage. It isn't fair to ask law to people to keep a secret that people need to know.

COMMENTARY FOR CANDIDATE B

The mark awarded for this answer is 2

AO1 Level 1: 1 mark

AO2 Level 0: 0 marks

AO3 Level 1: 1 mark

Candidate B gives a limited response. There are few relevant points, and no evidence or reference to the sources. The conclusion is superficial and simplistic. There is an awareness of the media being able to influence people's opinions and the need for "effective rules", but none of this is developed.

CANDIDATE C

2c) Source D definitely does not agree with the statement, if the Attorney General was so concerned that he had to issue a warning to avoid a situation where “trials cannot take place or are prejudiced as a result of improper or irrelevant material being published”. This shows that the modern media does not protect the rights of the individual, but can condemn them. The man in source D was portrayed in such a way that he was presumed to be guilty by many people. Although it later turned out that he was completely innocent, it would have been difficult to find people to serve on the jury who could be open-minded about the evidence, as so many people were already convinced of his guilt.

This particular situation turned out to be very ironic as the real guilty party was treated much more fairly than this innocent man; circumstantial but quite damning evidence was suppressed by the judge in the trial in order to ensure that the jury were not prejudiced.

Source E again shows that the modern media does not appear to protect the rights of individuals. In this source, the rights of the individual are broken with the footballer’s name being revealed to the public. Information that was meant to be unseen, except by the courts, was released onto a social networking site, breaching the individual’s right to privacy.

The footballer is not the only example of the media doing this. In 2001, the Manchester Evening News published a story identifying the location of Jon Venables, one of the murderers of Jamie Bulger. This was a breach of Venables’ right to privacy, as his new identity and location were part of a court injunction. It is difficult sometimes to accept that even people who commit the most appalling of acts still have rights.

Newspapers are motivated not just by the desire to report news. They also need to sell papers to make a profit. It is the right of journalists to do the best job they can for their employers, and for the chief executives of media organisations to make a profit for their shareholders. However, the media does not appear to respect the ideal of innocent until proven guilty. We have seen people being portrayed as guilty before the evidence has been heard, or even when they are completely innocent, which is worse.

I believe the statement is wrong. The modern media is far too concerned with producing sensational stories that will sell, before getting the facts straight. Their policy seems to be, ‘Don’t let the facts get in the way of a good story.’

COMMENTARY FOR CANDIDATE C

The mark awarded for this answer is 21 AO1 Level 4: 7 marks
AO2 Level 3: 7 marks
AO3 Level 4: 7 marks

Candidate C begins with some consideration of the possibility of a fair trial and states that this shows a lack of protection of rights on the part of the media. An additional point is that it influences public opinion in a negative way – “can condemn them”. Here, the candidate is hinting at trial by media. A strong point, showing own knowledge, is the comparison with how the real guilty party was treated. The issue of globalisation is considered, picking up on the point that Twitter is an American company, but has an impact outside that country. Different interpretations of ‘freedom of speech’ are also touched on. Own knowledge is also shown by the reference to Google. There is detailed analysis of privacy issues, with some qualification of what could be acceptable publishing of private material, which is restricted to illegal activity and cover-ups. There is also some original interpretation of different kinds of rights – employees, rights, shareholders rights, company profits. Although this never really develops fully, there is an implicit understanding of conflicting rights.

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