

LEGAL STUDIES

Essay: Using a contemporary human rights issue, discuss the effectiveness of legal and non-legal measures in addressing the issues.

Examination

Legal

13
15
Good

Date

25/03/10

Section	Part	Question Number
3		

Instructions

- Write your Centre Number and Student Number at the top of this page and of each page that you use.
- In the boxes provided write the Examination, and date of this examination, and the number of the question attempted in this booklet.
- If you have not attempted the question, you must still hand in the Writing Booklet, with the words 'NOT ATTEMPTED' written clearly on the front cover.
- Write the number of each question or part in the margin at the beginning of each answer.
- Write using black or blue pen.
- Write on the ruled pages only. You may use the unruled pages for rough work.

Section III

35d) "Using a contemporary human rights issue, discuss the effectiveness of legal and non-legal measures in addressing the issues."

The Mohammad Haneef case is a significant human rights ~~case~~ issue that demonstrates the effectiveness of legal and non-legal measures in addressing the issues. Along with this, the Sun Herald article (February 2, 2010) about discrimination of women provides an insight into inequality and breaches ^{to} the Anti Discrimination Act (NSW). These are examples of the breaches in human rights, as well as the effectiveness and ineffectiveness of the law due to the ~~responses~~ ^{responses} made by the police and government. "using a" means one in discrimination on the issue?

In the Mohammad Haneef case it can be seen that Mohammad's rights have been ~~we~~ violated as he suffered false accusations. He was ^{and treated unjustly} one of the first few people who was detained without charge under the new amendments in the Criminal Act, where it states that a person may be detained for a certain period of time without charge. Under the Terrorism (Police Powers) Act 2005 (NSW) ^{good} it can be seen that the police have the right "to arrest ^{person} without evidence and detain them" for a number of days. Mohammed ^{disappeared} was accused of being involved in a terrorist attack which lead ^{to his and other participants} to being ~~disappeared~~ ^{USA} that denied. This demonstrates the ineffectiveness of the ~~legal~~ legal measures in addressing the issues as there was ^{reasonable} no evidence that Mohammad was involved in the terrorist attack. ^{good}

However, they considered Mohammad guilty, ~~before~~ her was rather than 'innocent until proven guilty' ✓
which suggests the ineffectiveness of the law because an innocent man was detained, denied visa and his human rights were breached. ^{because of false accusations} Under the Search Warrant Act (NSW) and the Terrorism (Police Powers) Act 2005 (NSW), ^{it} allowed police to limit Mohammad's rights and overpower him, although there ^{substantial} ~~was~~ ^{is} no evidence, ~~but~~ ^{demonstrating the imitations in the law}

On the other hand, non-legal ^{Good terminology} measures in addressing the issues has demonstrated effectiveness in the law as ~~it does~~ the media has promoted this case, which has allowed public awareness ~~on~~ ^{to society} the issue. This is effective as the public is informed of the concern which puts pressure onto the government to reconsider the decision.
You haven't established the point ~~example~~ ^{contravention of civil & political rights} ~~on discrimination~~ ^{rather}

The Sun Herald article (February 2, 2010) about the inequality of pay between ~~men~~ ^{men and women} shows the breaches in human rights ^{due to discrimination} issues. ✓
It can be seen that the Anti-Discrimination Act (NSW) and ~~women's (equal opportunities)~~ ^{women (opportunities)} for equal pay Act? (NSW) has not been effective as women are ^{no such act} not being treated equally ^{as} men because they are receiving a lower income. This demonstrates ineffectiveness ^{in the law} because of the injustice and discrimination women in the workplace are experiencing.

On the other hand, non-legal measures such as the media, making it publicly known ~~is~~ ^{is} effective as it ^{raises} the concern to the public. Along with this, the legislations placed such as the Anti-Discrimination Act, promotes equality, which is an effective

way of addressing the ~~issue~~ issue. It can be seen that the ~~law~~ ~~legal~~ human rights of the women are protected, yet ~~not~~ only to a certain extent, which ~~makes~~ suggests that there are limitations in the law.

Each of these issues have been addressed by legal and non legal measures which demonstrates the effectiveness and ineffectiveness of the law. In the Mohammad Haneef ^{and the Sunanda case} case, it can be seen that ^{the} legislations established have ~~been~~ had limitations in promoting justice and equality in regards to ~~how~~ protecting human rights. ~~However, the media has played an~~ However, the establishment of these legislations suggests that there has been an attempt in promoting justice and protecting human rights. Along with this, the media has enabled public awareness to the issue which is effective for protecting the rights of the individuals and society. ^{Good} In conclusion, it can be seen that there are limitations in addressing human rights issues.

The Haneef case is the stronger discussion so I will ignore the second H/R case