

<p><b>PROFEX SZAKNYELVI VIZSGA</b></p> <p><b>C1 (felsőfok) – angol nyelv</b>  <b>Írásbeli</b>  <b>Olvasáskészség</b></p>		<p>vizsgáló sorszáma:</p> <p style="text-align: center;">□□□□</p> <p style="text-align: center;"><b>MINTATESZT</b></p>
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*Olvassa el a két szöveget és az olvasott szöveg alapján oldja meg a két feladatlapot.*

*Elérhető pontszám: 20 pont.*

*Figyelem! A vizsga akkor lehet sikeres, ha a vizsgáló részegységenként legalább 40%-ot teljesít.*

*Végső megoldásként csak a tintával írt változatot fogadjuk el.*

*Kérjük, hogy jól gondolja meg a választát, mivel bármilyen válaszmódosítás esetén válasza érvénytelen.*

Összpontszám: 20-.....=.....

Vizsgahely fővizgáztató aláírása:

*1. szöveg*

### **Impact of Legal Aid Cuts on Family Law Cases and Mediation Services**

#### **1.**

In April 2013 the Government introduced a radical programme of cuts to legal aid provision under the Legal Aid, Sentencing and Punishment of Offenders Act 2012 ("LASPO"). These cuts meant that some types of family law cases were no longer eligible for public funding. For example in private family law proceedings, individuals are no longer able to receive funding to help with divorce and issues relating to the breakdown of a relationship including child contact cases and disputes over family property. Victims of domestic violence are now required to provide evidence before they can seek public funding, with the exception of cases where victims are seeking protection in the form of an injunction. Public law children cases involving social services remain eligible for funding. ...

The final report of the Family Justice Review published in November 2011 highlighted the need for the provision of a coherent dispute resolution service, with an emphasis on supporting parents to resolve disputes without the need to engage in protracted court room battles.

#### **2.**

An online hub (website/web app) <https://www.sortingoutseparation.org.uk/en/hub/> has since been launched to provide guidance and advice to separating parents, although it is unclear how well used this resource has been to date. The Family Justice Review also sought to rebrand alternative dispute resolution as 'dispute resolution' with an emphasis on resolving disputes outside court. The Children and Families Bill, which is currently at the Committee Stage, seeks to deal with other recommendations made by the Family Justice Review in terms of compelling separating parents to attend Mediation Information and Assessment Meeting (MIAM) prior to making an application to the court. The Government hopes that compelling separating couples to attend a compulsory, information mediation session will help couples resolve their differences without resorting to lengthy court processes. However, it is thought that these amendments are unlikely to come into force until September 2014.

Recently there has been a significant amount of commentary on the impact that the cuts to legal aid have had in relation to couples accessing the services of a mediator. Despite the Government's eagerness to encourage couples to make use of a mediator, statistics from

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Ministry of Justice show that the number of couples attending out of court mediation sessions to resolve family disputes has plummeted by as much as 47% since April 2013, when compared to figures of the same period between April and June 2012. Lawyers were fundamentally the initial source for clients being referred to mediation but as family lawyers have seen a reduction in individuals using their services as a result of the cuts, referrals to mediation have not been possible.

According to Lawyer Supported Mediation the statistics evidence a direct correlation in a reduction of client referrals from lawyers to mediators, following the cuts to private family law cases.

### 3.

Couples or individuals that are no longer eligible for legal aid do not (until the Children and Families Bill is passed) need to attend a session explaining the pre-condition of using mediation in their family proceedings. Lawyer Supported Mediation believe that separating parents who are no longer entitled to legal aid are not 'self referring' to mediation but instead issuing proceedings in court as litigants in person, without taking advantage of Government funded mediation, as asserted by Hale. Is this because they are unaware that the Government is still funding mediation despite withdrawing legal aid for other private family law matters? It may also be possible to argue that the new online service has failed to capture those that need advice about mediation services and how to access them. Whatever is happening the message on funded mediation does not seem to be being received by those that could benefit from it and as a result cuts are now being experienced within mediation services because of a drop in their use. ...

### 4.

Many argued these changes would result in more and more litigants in person representing themselves in court. Both Hale and Stowe highlight that those who opt to pursue their cases in person will result in 'lengthy and inefficient' cases being heard by the court. In *C (A Child) & Anor v KH* [2013] EWCA Civ 1412 a father successfully appealed an order prohibiting him from removing his son from the mother or from his primary school and which only allowed for indirect contact. The outcome of the original case had been affected by a number of procedural irregularities. In this case Ryder U stated that the case presented 'a lesson to us all to put in place procedures and practices, which can accommodate litigants in person who do not know the rules and practice directions of the court'. ...

It is possible the new practice direction compelling couples to attend mediation sessions prior to court may have some impact with regard to increasing the use of mediation services but will this be not too late and how many couples will have missed the opportunity to access funded mediation in the meantime?

I will continue to observe this situation with interest and hope the changes proposed by the Bill are timely enough to bring about change.

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*I. Írja a fenti szövegből vett bekezdések mellé a megfelelő bekezdéscím betűjelét! Két bekezdéscímet nem kell felhasználnia!*

*Elérhető pontszám: 4 pont*

<b>1)</b>	<b>A)</b> Eligibility amendments under the Legal Aid Act
<b>2)</b>	<b>B)</b> Shortcuts of mediation funded by the government
<b>3)</b>	<b>C)</b> Restrictions affecting eligibility for public funding
<b>4)</b>	<b>D)</b> Disadvantages of in-person representation <b>E)</b> Mediators' complaint on the new Act <b>F)</b> Government's goal and advantages expected

*II. Karikázza be az egyedüli helyes állítás betűjelét a szöveg alapján!*

*Elérhető pontszám: 6 pont*

1.
  - A. One of the aids to help separating parents is an online hub, which is not really useful.
  - B. MIAM is the sole kind of dispute resolution suitable for an out of court agreement.
  - C. An information mediation procedure is faster than a court procedure.
  - D. Information mediation sessions will come into force before September 2014.
  
2.
  - A. Due to government reforms fewer couples turn to mediators.
  - B. There is a sharp increase in out of court agreements.
  - C. Lawyers are no longer authorised to deal with mediation.
  - D. The amount of couples turning to mediators has increased.
  
3.
  - A. According to the statistics, in private family law cases there is a direct correlation between lawyers and mediators.
  - B. Government funding of private family cases has been cut down.
  - C. Legal aid is not a pre-condition for some couples and individuals.
  - D. Mediation as a pre-condition is not available for certain couples and individuals.

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4.

- A. Couples and individuals can no longer claim for self-referring mediation.
- B. Litigants in person protest against cuts by starting court proceedings.
- C. Mediation funded by the Government is an advantage for litigants.
- D. Separating parents may not have enough information concerning mediation services.

5.

- A. Individuals choosing to represent their cases before the court will face improper proceedings.
- B. The case referred to is an example for the drawbacks of litigants' self-representation.
- C. In the case referred to, the father appealed for an order to prohibit his parental rights.
- D. Litigants in person are generally affected by court rules and directions.

6.

- A. The new regulation is a waste of time.
- B. It is too late to initiate the practice of mediation.
- C. There are doubts about the effectiveness of the new practice.
- D. The new Bill will give rise to changes in the procedure.

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2. szöveg

### **GCHQ's spy malware operation faces legal challenge**

Privacy International claims development of programs that remotely hijack computer cameras and microphones is illegal.

GCHQ, the government's monitoring agency, acted illegally by developing spy programs that remotely hijack computers' cameras and microphones without the user's consent, according to privacy campaigners.

A legal challenge lodged on Tuesday at the investigatory powers tribunal (IPT) calls for the hacking techniques – alleged to be far more intrusive than interception of communications – to be outlawed. Mobile phones were also targeted, leaked documents reveal.

The claim has been submitted by Privacy International following revelations by the whistleblower Edward Snowden about the mass surveillance operations conducted by GCHQ and its US counterpart, the National Security Agency (NSA).

The 21-page submission details a host of "malware" – software devised to take over or damage another person's computer – with such esoteric names as Warrior Pride, Gumfish, Dreamy Smurf, Foggybottom and Captivatedaudience.

They are said to allow GCHQ to gain access to "the profile information supplied by a user in registering a device [such as] ... his location, age, gender, marital status, income, ethnicity, sexual orientation, education, and family".

More intrusively, Privacy International alleges, the programs enable surveillance of any stored content, logging of keystrokes and "the covert and unauthorised photography or recording of the user and those around him". It is, the claim maintains, the equivalent of "entering someone's house, searching through his filing cabinets, diaries and correspondence, and planting devices to permit constant surveillance in future, and, if mobile devices are involved, obtaining historical information including every location he had visited in the past year".

Such break-ins also leave devices vulnerable to attack by others "such as credit card fraudsters, thereby risking the user's personal data more broadly", Privacy International argues. "It is the modern equivalent of breaking into a residence, and leaving the locks broken or damaged afterwards."

The claim acknowledges that it is unclear how many computers or mobiles have been infected but points out that leaked documents show the agencies have the ability to scale up the programme to infect millions of computers and devices around the world.

GCHQ itself had reservations about the legality of these surveillance operations, Privacy International claims, pointing to a leaked document noting that "continued GCHQ involvement may be in jeopardy due to British legal/policy restrictions".

The activities of GCHQ breach the right to private and family life under article 8 of the European convention on human rights and the 1990 Computer Misuse Act, Privacy International alleges.

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The submission states: "Privacy International accepts that, in principle, surveillance may be conducted for legitimate aims such as national security. The issue is therefore whether the interference is 'in accordance with the law' or 'prescribed by law', and whether it is necessary and proportionate."

The IPT is a partially secret court which investigates complaints about MI5, MI6, GCHQ and the use of surveillance powers by government, police and local authorities. Many of its hearings take place behind closed doors.

The IPT has extensive powers to demand to see all relevant intelligence and evidence. Often complainants are told the tribunal can neither confirm nor deny whether surveillance has taken place.

This latest submission will join a long line of legal challenges brought by civil liberties groups following Snowden's revelations. The IPT is already looking at complaints over GCHQ and NSA use of mass interception programmes such as Prism and Tempora. Other claims have been lodged against other European governments, at the European Court of Human Rights and with the Organisation for Economic Cooperation and Development (OECD), alleging abuse of telecommunications equipment.

Eric King, deputy director of Privacy International, said: "The hacking programmes being undertaken by GCHQ are the modern equivalent of the government entering your house, rummaging through your filing cabinets, diaries, journals and correspondence, before planting bugs in every room you enter. Intelligence agencies can do all this without you even knowing about it, and can invade the privacy of anyone around the world with a few clicks.

"All of this is being done under a cloak of secrecy without any public debate or clear lawful authority. Arbitrary powers such as these are the purview of dictatorships, not democracies. Unrestrained, unregulated government spying of this kind is the antithesis of the rule of law and government must be held accountable for their actions."

In the past GCHQ has declined to comment on any of its specific programmes, but stressed that its activities are proportional and comply with UK law. Responding to allegations earlier this year that mobile phones were being targeted through downloaded apps, the agency said: "It is a longstanding policy that we do not comment on intelligence matters."

A spokesman added: "Furthermore, all of GCHQ's work is carried out in accordance with a strict legal and policy framework that ensures that our activities are authorised, necessary and proportionate, and that there is rigorous oversight, including from the secretary of state, the interception and intelligence services commissioners, and the parliamentary intelligence and security committee. All our operational processes rigorously support this position."

*<http://www.theguardian.com/uk-news/2014/may/13/gchq-spy-malware-programme-legal-challenge-privacy-international>  
Letöltés időpontja: 2014. 05. 19.*

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**I. Karikázza be az egyedüli helyes állítás betűjelét a szöveg alapján!**

*Elérhető pontszám: 4 pont*

**1.**

- A. Privacy campaigners would like to outlaw the government's monitoring agency.
- B. Hijacking computers remotely is alleged to be intrusive.
- C. Leaked documents allege, mobile phones are targeted.
- D. GCHQ is alleged to be an illegal government agency.

**2.**

- A. The submission is alleged to be 21 pages long.
- B. The software is devised to spoil the names used by computers.
- C. The GCHQ allegedly gain information on the data of computer users.
- D. The names used by GCHQ damage other persons' computers.

**3.**

- A. The GCHQ infringed the rights of the EU citizens.
- B. The GCHQ leaked documents concerning privacy involvement.
- C. Computers were infected due to leaked documents.
- D. British politics are endangered by leaked documents.

**4.**

- A. Privacy international blames the government for hacking programmes.
- B. Hacking programmes constantly enter into your house.
- C. GCHQ does not accept liability for intelligence matters.
- D. UK law is proportionate with intelligence matters.

**II. Egészítse ki az alábbi mondatokat a szöveg alapján egyetlen odailő szóval! Elérhető pontszám: 6 pont**

The aim of the claim lodged is to have certain hacking techniques \_\_\_\_\_ (1).

The submission of the claimant Privacy International is based on information and documents \_\_\_\_\_ (2). Besides taking control of computer devices, spy programmes

also intend to \_\_\_\_\_ (3) computers. GCHQ fear that due to the new law their involvement in operations concerning national security will be in \_\_\_\_\_ (4),

thus the \_\_\_\_\_ (5) should be strictly legal and proportionate. Since the IPT

hold some of the hearings behind closed doors, it can be regarded as a \_\_\_\_\_ (6) secret court.