

Year 11 Rights and
Responsibilities
Revision Guide 2022

Laws in contemporary society

The Fundamental Principles of Law

- The law allows people's rights/ freedoms to be protected.
- The law ensures everyone is treated fairly and equally
- Justice is an important element of law. This means that people should be treated fairly and punishments should fit the crime.
- The justice system can differ from country to country therefore culturally perceptions about the law can differ

Rules and Laws

- Rules and laws are enforced by the police and courts.
- In the UK pieces of legislation have been created to protect people's rights and freedoms such as:
 - The Disability Discrimination Act
 - Equal Pay Act
 - Sex Discrimination Act
 - Race Relations Act
 - Equality Act 2010- puts all discrimination laws into one to support fairness and equality

Rights in local and global situations

- Following WW2 The Declaration of Human Rights was written by the UN which became an international law that 192 countries have signed up to. The UK has signed up to this.
- The Council of Europe in addition devised the European Convention of Human Rights. 47 countries are a part of this. The UK helped write the draft documentation and are also members.
- The European Arrest Warrant allows police in one country to arrest someone in another which can bring people to justice.

Rights and Responsibilities within the legal system

The role and powers of the police

- Police and Crime Commissioners established in 2012
This person is responsible for how the local police forces are working in the local community they are put in charge of.
- Chief Constable: Chief police officer with each regional force
- Police and Community Support officers: local employed ununiformed staff who help the police in local communities. They do not have police powers.
- Special Constables: Volunteers who help the police on a part time basis in their local community; they do not have any police powers.

Police have the power to:

Stop and search

Power to arrest

Entry, search and seizure

Stop and search

- This could happen if it is suspected someone is in the possession of stolen items
- The police officers must have a reasonable reason to stop and search someone it cannot be purely random.

Power to arrest

- The police can arrest as long as the individual is attempting to or involved in committing a criminal offence
- The police can only use necessary and reasonable force in an arrest.
- The suspect must always be informed of the reason they are under arrest.

Entry, search and seizure

- The police officer must have a warrant (court order) to enter premises without permission of the owner.
- The police must again like in a stop and search have a good enough reason to take part in a seize and search.
- The Crown Prosecution Service (CPS) work closely with the police to make the initial arrest and ensure there's enough evidence etc. to charge the person in question.

The role and powers of the judiciary

- Judiciary means 'the system of judges'
- The Judiciary work to settle legal issues and there are a variety of stages.
- At each stage an appeal can take place to the next court.
- The judiciary in the UK should be neutral and independent (meaning unbiased/ not taking sides etc.) whereas in other countries this isn't the case

The role of legal representatives

- Citizens advice are available free of charge to offer advice.
- In the legal profession there are legal executives/ Solicitors/ Barristers
 - Legal Executives: Legally qualified professionals employed by solicitors whom specialise in certain areas of law.
 - Solicitors: Undertake work in a Magistrates Courts and County Courts. They prepare a case and its support. Most are graduates with a law degree and will work in a specialised area eg. family law.
 - Barristers: Present cases in court – the barrister supports the case and uses prepared work from the Solicitor. They can work in magistrates and crown courts.

How the different criminal and civil courts work?

Civil Law

- In a civil court there is often no jury.
- County courts deal with the case
- Issues include small claims cases up to £5000/ personal injury/ breaches of contract etc. anything greater of a larger issue will be sent to be dealt with at the High Court.

Criminal Law

- In a Criminal Law case the trial will be held in a Magistrates Court for a minor issue and for a major issue the Crown Court.
- The judge decides upon the outcome of the case

Tribunals and other means of dispute resolution

- Tribunals have similar powers to a court and can help make a decision to resolve a dispute/ conflict.
- Tribunals can also make recommendations for changes and publications of reports.

Alternative dispute resolution

- Sometimes disputes can happen where there can be alternate means to solve the problem. This means the government have encouraged the use of some of these other methods because going through the courts can often be timely and expensive

Negotiation

The two people in conflict discuss the issues and make a decision about how it can be resolved

Mediation

The people in conflict/ dispute have someone who is neutral to talk about the issue with them and help them come to a decision and make a final agreement.

Conciliation

This is where like a mediator the conciliator helps both parties come to a decision but takes more of an active role for example the conciliator will create a suggestion.

Rights and Legal Entitlements of Citizens at different ages

Aged 10: Criminal Responsibility – You can be convicted for a crime/ You can choose your own religion

Age 12: Watch a 12A/ You can be placed on an electronically monitored curfew

Age 13: You can have a part time job/ You can have a social media account

Age 14: You can enter a pub if the landlord allows it/ You can be fined £20 for not fastening your own seatbelt

Age 15: You may be remanded in prison to await trial

Age 16: You can work full time if you have left school/ You can give consent to have sex

Age 17: You can hold a driver's license and you can be interviewed by the police without an appropriate adult being present

Age 18: You can change your name/ You can get a credit card/ You can stand as an MP/ Local councillor

How does civil law differ to criminal law?

Civil Law

Deals with disputes between individuals, groups or organisations where they wish to use the court for the wrongs/ damage or to seek compensation.

Eg. A tenant who hasn't paid rent – the landlord may go through court to be compensated for their losses

Criminal Law

The main aim is to punish the wrongdoer. The sentence warns others and acts as a deterrence.

Court cases may include: assault, battery and cases for murder.



How the legal systems differ within the UK?

Scotland:

1. **Justices of the peace:** act in a similar way to the Magistrates Court System
2. **Sherriff and summary:** the Sheriff (judge) determines guilt or innocence and can impose custodial sentences
3. **Sheriff and Jury:** cases are heard by the sheriff and jury and 15 juniors. A Sheriff court can impose a custodial sentence of up to 5 years
4. **The High Court** deal with serious cases eg. murder/ rape etc. Cases have a single judge and a jury of 15 people.

Northern Ireland

Has its own judicial system, which is headed by the Lord Chief Justice of Northern Ireland. See the table below:

Courts in Northern Ireland

Find out what each court does in the table below.

UK Supreme Court	hears appeals on points of law in cases of major public importance
The Court of Appeal	hears appeals on points of law in criminal and civil cases from all courts
The High Court	hears complex or important civil cases and appeals from county court
County Courts	hears a wide range of civil actions including small claims and family cases
The Crown Court	hears all serious criminal cases
Magistrates Courts (including Youth Courts and Family Proceedings)	hears less serious criminal cases, cases involving juveniles and civil and family cases
The Enforcement of Judgments Office	enforces civil judgements

How laws protect the citizen and deal with criminals

How have citizens' rights changed over time?

- **The Magna Carta** This was established in 1215 by King John that sought to ensure that the Barons were given equal rights and freedoms. Before the Magna Carta the King had sole authority and power
- **The Human Rights Act:** passed in 1998 that allowed citizens to take issues to the European Court of Human Rights

Common Law and Legislation

Common Law is based upon a judge's rulings in court in earlier times this was led by the King and the King's judges.

Common Law is in a constant state of change in light of ever changing situations.

If laws don't always fit the situation in court the judge has to make a decision. The decision might be based on what other judges have ruled in the past.

For a law to be passed or changed it must be discussed in Parliament.

Some laws that are in a state of change need to be explored by a solicitor.

The right to representation

Trade Unions

Are groups of workers that have joined together in order to protect their rights at work.

For example: Pay and conditions

Redundancies in the work place

To support employees that are going through disciplinary procedures

Giving legal and financial advice

Trade Unions established the Labour Party in 1900 – Many Unions as a result help support the Labour Party and donate money.

Unions can help their members to organise a strike however its members must vote in a secret ballot for the strike to go ahead.

One group of workers cannot strike to support another group. This would be called secondary action was outlawed by the Employment Act of 1990.

People join unions for lots of reasons eg.:

For advice

To protect their rights

To have a representative to speak on their behalf.

To become a member, you usually have to apply and pay monthly to be a member.

The role of employer associations

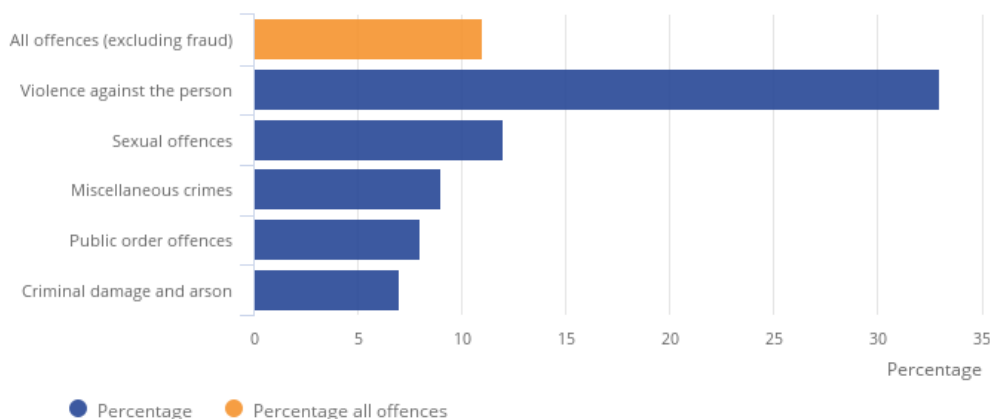
Like workers the employers need to be a part of a group that allows them to get legal advice when needed. There are two employers associations (industry or regionally based bodies that represent the interests of groups of employers) are Confederation of British Industry (CBI) and Institute to Directors (IoD).

The nature of criminality in the UK today

Differing types of crimes

Figures about crime are often based on what we call 'recorded crime' (crimes that are reported to and recorded by the police).

Figure 4: Proportion of offences recorded by the police in England and Wales which were flagged as domestic abuse-related, selected offence groups, year ending March 2016¹



There are different types of crime:

Violent Crime – this can range from manslaughter to murder

Hate Crime – crimes that can be motivated by prejudice and discrimination against a group

Sexual offences- Rape and other sexual offences

Robbery- threat or force is used during or before an attempted theft

Theft- Burglary/ stolen vehicles etc.

Criminal damage or arson – intentional damage to property/ the community etc.

Fraud – Pretending to be someone else/ using someone else's credit card

Anti-social behaviour – inconsiderate behaviour in the community eg. noise pollution/ vandalism/ street drinking

Profile of criminality in the UK

Various reports and studies have shown that it is in the nature of certain people in the community to be more likely or susceptible to commit a crime. For example one study of a group of prisoners found:

24% had been in care in their childhood

Many had experienced abuse

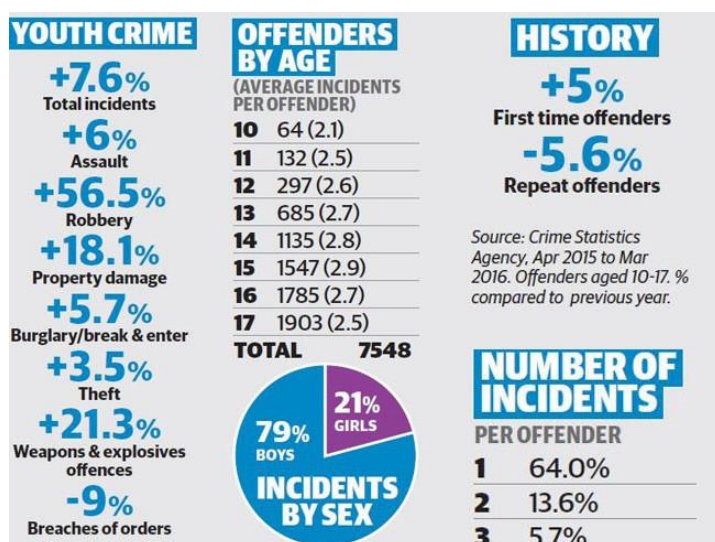
37% said their family members had committed crime

18% had a family member with an alcohol problem

59% had regularly truanted school

63% had been permanently or temporarily excluded

Youth crime:



Factors affecting crime rates in society and strategies to reduce crime

- **Murder :** It has been suggested that an increase in how much people earn has meant that murder rates are on the increase. This is because more people are going out drinking and getting into fights
- **Knife Crime:** It has been suggested a decrease in knife crime has been a result of the police recording events and the work of the police in stop and search operations
- **Firearm offences:** It has been suggested there has been an increase due to the growth in gang organised crime – this was mainly in London

How do we deal with those who commit crime?

Punishing: the offender eg. prison community order

Deterrence: trying to reduce crime

Rehabilitation: trying to change the criminals behaviour eg. enrolling them in an education programme in prison.

Reparations: The offender gives something back eg. community service



Differing forms of punishment available in the UK

Custodial Sentences

- Imprisonment – The length of sentence in prison depends on the nature and severity of the crime.
 - Parliament has created a set of minimum sentences:
 - 7 years for drug offences
 - 3 years for burglar
 - 5 years for firearms
- Life sentences – The judge will imprison the criminal and set a minimum term (time) a criminal must spend in prison. The prisoner can then be put up for parole (a time it can be decided whether the criminal should be released). A life sentence is currently 25 years (however someone can be given more than one life sentence). This punishment is set aside for more serious crime eg. murder.
- Extended sentences – The public may need protection from the criminal. So an extended sentence is where a criminal serves time in prison and then is let out on licence for a further 8 years.
- Determinate sentences – The court set a fixed length for the criminal to spend in prison. Prisoners don't always fulfil the full sentence because they can serve some of it in the community. This all depends on factors such as their behaviour.
- Suspended sentences – the court gives a custodial sentence between 14 days and two years, the judge can decide to suspend the sentence for up to two years. The court then asks the criminal to take other tasks such as:
 - Unpaid work
 - Having curfews
 - Undertaking treatment for drugs and alcohol

Non-custodial sentences

- Fines – This is one of the most common fines and means offenders will pay a sum of money for the crime they have committed. For example the law for speeding often results in a person paying a fine.
- Community Service – This is where people are asked to partake in unpaid work. This can be up to 300 hours.
- Attending a programme about their behaviour – eg. Anger management classes
- Receiving drug treatment in a rehabilitation centre
- Receiving mental health treatment
- Keeping a curfew – this means that the criminal can only be out the house at certain time and visit places in certain hours
- Discharge – where the court decides there's no punishment required for minor offences. Criminals may be discharged.

How effective are differing types of sentences?



The above chart presents the reoffending rates following time in prison. This presents that the longer time spent in prison means criminals are less likely to offend.

In order to try and stop reoffending rates a reform group The Howard League and Penal Reform offered the following suggestions:

Create a real working week in prison:

Allow prisoners to work to support their own families and victims

Prisoners should be paid fairly

Businesses should be encouraged to be set up in prison

Community sentences should focus on cutting crime

Community sentences should be given immediately after the crime.

The Youth Justice System

Youth Courts are special types of magistrates courts for people aged 10 to 17 and are less formal than adult courts.

With the offenders being children other factors will be taken into consideration eg.

Age

Nature/ seriousness of the crime

Whether the child has any previous convictions

Whether the child pleads guilty or not guilty

The court can take into account aggravating and mitigating circumstances

Aggravating: Something that makes a crime more serious

Mitigating: Something that makes the charge or the offenders culpability less serious

Youth Offending Teams (YOTs)

Are set up by the local council, education and children services to offer support and rehabilitation for Youth Offenders.

The Structure of a Youth Court



Key: A Witness B Judge C Clerk of the court
D Lawyers for the prosecution and the defence
E Members of the jury F Defendant

Universal Human Rights

The Universal Declaration of the Human Rights

After WW2 the Declaration of Human Rights was drafted. It was declared that these were the rights that everyone in the world should have. Today 192 nations have signed up to it.



The Human Rights Act (1998)

- Everyone has the right to life
- Everyone has the right to be free from torture and inhuman and degrading treatment or punishment
- Everyone should be free from slavery or forced labour
- Everyone has the right to liberty and security of person
- Everyone has the right to a fair trial, and to be presumed innocent until found guilty, if they are facing a criminal charge
- No one can be found guilty of a crime if there was no law against it when the act was committed
- Everyone has the right to respect for their private and family life, home and correspondence
- Everyone has the right to freedom of thought, conscience and religion
- Everyone has the right to freedom of expression
- Everyone has the right to freedom of peaceful assembly and association
- Everyone has the right to marry and found family
- Everyone has these rights, regardless of their gender, race, language, religion etc.

The European Convention on Human Rights

The ECHR was first written in 1950 and accepted in 1953.

The Council of Europe created this agreement

All members of the Council of Europe agreed to abide by the **European Convention on Human Rights** that came into force in 1953.

The European Union is preparing to sign up to the convention which would give 508 million people the same human rights.

The **Council of Europe** is an international organisation focused on promoting **human rights, democracy and the rule of law in Europe**.

Founded in **1949**.

It has **47 member states**, covers approximately 820 million people.

The Conservative government proposed that the UK had a new British Bill of Rights to:

- Replace the Human Rights Act 1998
- Write the origin convention of rights into UK law
- Break the link between UK courts and the European Court

The United Nations Convention on the Rights of the Child

The Convention of the Rights of the Child was initially created in 1990 and by 2009, 194 countries had agreed to it and signed up.

Governments following the Convention of the Rights of the Child must respect:

<p>Article 1 Everyone under 18 years of age has all the rights in this Convention.</p> <p>Article 2 The Convention applies to everyone, whatever their race, religion, abilities; whatever they think or say, whatever type of family they come from.</p> <p>Article 3 All organisations concerned with children should work towards what is best for each child.</p> <p>Article 4 Governments should make these rights available to children.</p> <p>Article 5 Governments should respect the rights and responsibilities of families to direct and guide their children so that, as they grow, they learn to use their rights properly.</p> <p>Article 6 All children have the right to life. Governments should ensure that children survive and develop healthily.</p> <p>Article 7 All children have the right to a legally registered name, and nationality. Also the right to know and, as far as possible, to be cared for by their parents.</p> <p>Article 8 Governments should respect children's right to a name, a nationality and family ties.</p> <p>Article 9 Children should not be separated from their parents unless it is for their own good. For example, if a parent is mistreating or neglecting a child. Children whose parents have separated have the right to stay in contact with both parents, unless this might hurt the child.</p>	<p>Article 10 Families who live in different countries should be allowed to move between those countries so that parents and children can stay in contact, or get back together as a family.</p> <p>Article 11 Governments should take steps to stop children being taken out of their own country illegally.</p> <p>Article 12 Children have the right to say what they think should happen, when adults are making decisions that affect them, and to have their opinions taken into account.</p> <p>Article 13 Children have the right to get and to share information, as long as the information is not damaging to them or to others.</p> <p>Article 14 Children have the right to think and believe what they want, and to practise their religion, as long as they are not stopping other people from enjoying their rights. Parents should guide their children on these matters.</p> <p>Article 15 Children have the right to meet together and to join groups and organisations, as long as this does not stop other people from enjoying their rights.</p> <p>Article 16 Children have a right to privacy. The law should protect them from attacks against their way of life, their good name, their families and their homes.</p>	<p>Article 17 Children have the right to reliable information from the mass media. Television, radio, and newspapers should provide information that children can understand, and should not promote materials that could harm children.</p> <p>Article 18 Both parents share responsibility for bringing up their children, and should always consider what is best for each child. Governments should help parents by providing services to support them, especially if both parents work.</p> <p>Article 19 Governments should ensure that children are properly cared for, and protect them from violence, abuse and neglect by their parents, or anyone else who looks after them.</p> <p>Article 20 Children who cannot be looked after by their own family must be looked after properly, by people who respect their religion, culture and language.</p> <p>Article 21 When children are adopted the first concern must be what is best for them. The same rules should apply whether the children are adopted in the country where they were born, or if they are taken to live in another country.</p> <p>Article 22 Children who come into a country as refugees should have the same rights as children born in that country.</p> <p>Article 23 Children who have any kind of disability should have special care and support, so that they can lead full and independent lives.</p>	<p>Article 24 Children have the right to good quality health care, to clean water, nutritious food, and a clean environment, so that they will stay healthy. Rich countries should help poorer countries achieve this.</p> <p>Article 25 Children who are looked after by their local authority, rather than their parents, should have their situation reviewed regularly.</p> <p>Article 26 The Government should provide extra money for the children of families in need.</p> <p>Article 27 Children have a right to a standard of living that is good enough to meet their physical and mental needs. The Government should help families who cannot afford to provide this.</p> <p>Article 28 All children and young people have a right to a primary education, which should be free. Wealthy countries should help poorer countries achieve this. Discipline in schools should respect children's human dignity. Young people should be encouraged to reach the highest level of education they are capable of.</p> <p>Article 29 Education should develop each child's personality and talents to the full. It should encourage children to respect their parents, and their own and other cultures.</p> <p>Article 30 Children have a right to learn and use the language and customs of their families, whether these are shared by the majority of people in the country or not.</p> <p>Article 31 All children have a right to relax and play, and to join in a wide range of activities.</p>
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The Human Rights Act 1998

In 1998 the UK Parliament accepted the Human Rights Act and it officially became policy in 2000.

This means that the police, courts etc. must respect everyone's human rights and treat people: fairly, equally, with dignity and respect.

Failure to follow the HRA means that citizens can take cases and issues to the ECHR.

The role of law in conflict situations

Hague Convention and Geneva Conventions

Key terms:

- ❖ **International Humanitarian Law (IHL):** A body of law associated with international disputes and the conduct of war and people affected by war.
- ❖ **Hague Convention:** deals with the rules governing the conduct of war
- ❖ **Geneva Convention:** deals with how civilians and others should be treated in war.

IHL – Work to protect people who are not involved or are no longer involved in conflict for example the sick/ prisoners of war. They also set out laws and rules for those involved in conflict. The aim is to stop war crimes and prosecute those who commit them.



How can citizens bring about change in the legal system?

<p>Jury Service</p> <p>A group of 12 randomly selected citizens to give evidence in a court of law.</p> <p>You will be sent a letter in the post if you meet the conditions. If you fail to turn up without a good reason you could face a fine of up to £1000.</p> <p>You must be:</p> <ul style="list-style-type: none"> Over 18 and under 75 Not currently on bail Be a British Citizen Not work for the civil service 	<p>Member of a tribunal</p> <p>Tribunals are groups that deal with specific issues and any citizen can apply to become a member of a tribunal.</p> <p>Some of the groups and issues include:</p> <ul style="list-style-type: none"> Social Security Criminal injuries Care Standards Immigration Employment War pensions 	<p>Magistrates</p> <p>The Magistrates (whom are local volunteers) sit alongside the judge in a Magistrates court.</p> <p>Magistrates sit as benches of three in court; the panels will be as representative of the community as possible so there will be a mix of gender, occupation, ethnicity etc.</p> <p>Although all three magistrates have an equal responsibility in the decision making process, the chairman (in the middle) is the one that speaks on behalf of them all. The magistrates who sit either side are called wingers. The chairman usually is the more experienced and has undertaken additional training to take on this role.</p>
<p>Special Constable</p> <p>A volunteer trained to support their local police force.</p> <p>They have similar uniform and the same powers as regular police officers.</p>	<p>Police and Crime Commissioners</p> <p>This is the person in charge of monitoring crime in a local community. They:</p> <ul style="list-style-type: none"> ○ Meet the public and listen to their views about policing ○ Producing a crime plan to resolve crime rates etc. in the community ○ Deciding on how the budget should be spent ○ Appointing chief constables and dismissing them as necessary 	<p>Witnesses and victims</p> <p>A victim will give the police and criminal justice system a statement that expresses how they have been a victim of crime which helps support the police and criminal justice system in prosecuting offenders.</p> <p>A witness like a victim of crime will make a statement to support the police. You as the victim will be notified of the action taken by the police and criminal justice system</p>
<p>Neighbourhood Watch</p> <p>You can volunteer to become part of a group in your local area whereby you work together to keep watch on the local community and actively report on crime, meet regularly to discuss how crime can be prevented etc.</p>		

