

# GCSE Citizenship Knowledge Planner

## Theme 2: Rights and Responsibilities



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# Theme 2: Rights and Responsibilities

## Key Words:

**Citizenship:** where an individual is fully recognized by a state as being a member of that state.

**Human Rights:** basic rights and freedoms all humans are entitled to. Since WWII these have been written into a large number of international charters.

**Civil Liberties:** rights and freedoms that protect and individual citizen from the state. Civil liberties set limits on what a government can do so it cannot abuse its powers or interfere too much in the lives of private citizens.

**Duties (Responsibilities):** as well as being given rights as a citizen, states expect citizens to perform certain duties e.g. follow laws, in time of war a nation may recruit citizens into the armed forces.

## AMNESTY INTERNATIONAL

A pressure group, started by a UK lawyer, who campaign for human rights – they aim to ensure everyone has the human rights they're entitled to and highlight abuses to human rights happening in the world. They campaign to end the use of the death penalty and to hold governments to account where there is inequality/discrimination

**Liberty** – a UK based pressure group campaigning about civil rights in the UK.

**Universal Declaration of Human Rights (UDHR) (1948)** set out, for the first time, basic human rights to be universally protected e.g. rights everyone in the world is entitled to and rights that should be protected worldwide. There are 30 'articles' – each states a right every human is entitled to e.g. The right to life, the right to a fair trial, the right to an education etc.

**European Convention on Human Rights (1950)** a treaty that was drafted in 1950. Each of the numbered "articles" protects a basic human right. They allow people to lead free and dignified lives. 47 states, including the UK, have signed up. That means that the UK commits to protecting the Convention rights. If a person's rights are being breached, and they can't get a solution in the UK under the Human Rights Act, the Convention lets them take their case to the European Court of Human Rights (**ECHR**). **Note: the ECHR is not** part of the European Union (EU) – so even if we left the EU we would still be covered by ECHR decisions.

## Getting the Balance Right:

Needs to be a balance between the power of the state and the right and duties of its citizens – **recent issues:**

1. UK police have 'stop and search' powers but many ethnic minorities complain they are stopped far more than other groups.
2. After recent terror attacks new security measures introduced at airports.
3. Should people who receive benefits should have to work or community tasks in return?

**Human Rights Act (1998)** - a UK law passed in 1998. It means that you can defend your **rights** in the UK courts and that public organisations (including the Government, the Police and local councils) must treat everyone equally, with fairness, dignity and respect.

## 3 main effects:

1. Incorporates the rights set out in the European Convention on Human Rights so if your human rights are breached you can take your case to a British court rather than having to go to the European Court of Human Rights (ECHR) in Strasbourg, France.
2. It requires all public bodies (courts, police, state schools, hospitals, local councils) to respect and protect your human rights.
3. Parliament will try and make sure new laws are compatible (matched) with the rights set out in the European Convention on Human Rights..

**UN Convention on the Rights of the Child (1990)** 54 articles that cover all aspects of a child's life and set out the civil, political, economic, social and cultural rights that all children everywhere are entitled to in order to survive, grow, participate and reach their potential.

# Theme 2: Rights & Responsibilities Introduction

## Keywords:

**Justice:** A behaviour or treatment that is morally fair. Different countries can have different opinions about what justice is.

**Fairness:** treating people equally and according to the circumstances.

**Discrimination:** treating a person or group of people unfairly on the basis of their sex, gender, race, age etc.

## The Equality & Human Rights Commission

**Commission:** an independent organisation set up to help end discrimination, reduce inequality and protect human rights.

**State:** this is the Government.

**Law:** a rule, usually made by a government, that is used to order the

## The Equality & Human Rights Commission (EHCR):

The Equality and Human Rights Commission (EHRC) monitors human rights, protecting equality across 9 categories - age, disability, gender, race, religion and belief, pregnancy and maternity, marriage and civil partnership, sexual orientation and gender reassignment. As well as explaining the law, the EHRC can enforce it. EHRC has written a set of guidance to ensure the Equality Act is applied successfully.

### Enforcement of the Equality ACT:

Under the Equality Act people are not allowed to **discriminate, harass or victimise** another person because they have any of the protected characteristics. The EHRC's powers include helping individual people with their legal cases; and taking action against organisations that appear to have broken the law.

UK Legal System = Innocent Until Proven Guilty.

If a person comes before a court it is up to the *state* to prove they are guilty – beyond reasonable doubt.

Everyone is treated equally under the law.

## Rule of Law

- Laws are clear in their purpose
- Laws are applied equally and fairly
- You cannot be charged for something that is now an offence but wasn't when you committed it
- There is a due legal process e.g. crimes are investigated, a fair trial is undertaken, legal rights of the person are respected etc.

## Local v Global Rights

Different societies/cultures/countries have differing views on some legal issues e.g. death penalty was abolished in the UK but still legal in other countries, UK has very tight control on gun ownership but in USA it is fairly easy to get a gun and there is a high death rate from gun violence.

## Equality Act 2010

**The Equality Act 2010** legally protects people from discrimination in the workplace and in wider society. It **replaced previous anti-discrimination laws with a single Act**, making the law easier to understand.

It is against the law to discriminate against anyone because of:

- age
- being or becoming a transsexual person
- being married or in a civil partnership
- being pregnant or on maternity leave
- disability
- race including colour, nationality, ethnic or national origin
- religion, belief or lack of religion/belief
- sex
- sexual orientation

These are called '**protected characteristics**'.

# Theme 2: Rights & Responsibilities Human Rights Protection

## Key Words:

**Human Rights:** basic rights and freedoms all humans are entitled to. Since WWII these have been written into a large number of international charters.

**Civil Liberties:** rights and freedoms that protect and individual citizen from the state. Civil liberties set limits on what a government can do so it cannot abuse its powers or interfere too much in the lives of private citizens.

**Duties (Responsibilities):** as well as being given rights as a citizen, states expect citizens to perform certain duties e.g. follow laws, in time of war a nation may recruit citizens into the armed forces.

**International Criminal Court:** set up in 1998 to try persons accused of 'crimes against humanity' or war crimes. 120 nations agreed to work with the court.

**European Arrest Warrant:** allows a police force in one country to ask a police force to arrest someone in another country. This has brought many criminals to justice.

## Magna Carta

Known as the Great Charter, signed by King John in 1215. This was the first time basic **legal rights** were developed:

- The right to a free trial
- The use of juries
- Not being arrested without reason

## Universal Declaration of Human Rights (UDHR) (1948)

Set out, for the first time, basic human rights to be universally protected e.g. rights everyone in the world is entitled to and rights that should be protected worldwide. There are 30 'articles' – each states a right every human is entitled to e.g. The right to life, the right to a fair trial, the right to an education etc.

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a treaty that was drafted in 1950. Each of the numbered "articles" protects a basic human right. They allow people to lead free and dignified lives. 47 states, including the UK, have signed up. That means that the UK commits to protecting the Convention rights. If a person's rights are being breached, and they can't get a solution in the UK under the Human Rights Act, the Convention lets them take their case to the European Court of Human Rights (**ECHR**). **Note: the ECHR is not** part of the European Union (EU) – *so even if we left the EU we would still be covered by ECHR decisions.*

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## UN Convention on the Rights of the Child (1990)

54 articles that cover all aspects of a child's life and set out the civil, political, economic, social and cultural rights that all children everywhere are entitled to in order to survive, grow, participate and reach their potential.



# Theme 2: Rights & Responsibilities Role of the Police

## Key Words:

**Barrister:** specialist in a narrow area of the law and are employed by solicitors on behalf of their clients to represent them in higher courts.

**Chief Constable:** chief police officer within each regional police force. Responsible for day-to-day management of police resources to fight crime.

**Citizens Advice:** community based charity that gives help on advice – including legal advice.

**Civil Law:** law that deals with disputes between individuals or groups. There are civil courts which award **damages** (a money payment) or can make **court orders** which state that certain actions should be taken (a divorce for example).

**Criminal Law:** law that deals with individuals who break the law, as determined by the state. Police gather evidence and make arrests. The state prosecutes in a criminal court where juries decide whether an individual is innocent or guilty and judges decide on the sentence to be given.

**Solicitors:** legally qualified people who advise clients on a range of issues, such as divorce, buying a house, making a will, and criminal matters. They represent clients in lower courts, and prepare cases for barristers to try in higher courts. (Like going to your GP if you feel ill)

**Police Community Support Officers (PCSO):** uniformed staff who support police officers within the community.

**Special Constables:** members of the public who volunteer to take on police duties on a part-time basis. They will conduct local patrols and take part in crime prevention



## Crown Prosecution Service

**(CPS):** checks the evidence presented by the police and decides whether a case can be brought to court. Independent from the police and the government.

**Director of Public Prosecutions (DPP):** head of the CPS.

**Attorney General:** checks the work of the CPS – a government minister accountable to

Parliament. **Rights of the Suspect**

## Rights of the police

### 1. Stop & Search

- Police can stop and search you in the street or in your vehicle if they have reasonable suspicion that you are carrying drugs, weapons, stolen goods, alcohol/ tobacco if you are underage
- Ask a suspect to remove outer clothing in the street

### 2. Power to Arrest

- Can arrest someone they believe is committing or attempting to commit a criminal offence.
- Must only use 'reasonable force'.

### 3. Entry, Search and Seizure

- Police officer will have to obtain a warrant to enter and search premises.

- Not to be stopped and searched because of the kind of person you are e.g. race, age, nationality etc.
- To ask for proof that he/she is a police officer - name and police station
- Given information about police stop and search powers
- Told the reason for the stop and search
- Told how to get a record of the search
- To be taken to private place if other clothing/ shoes have to be removed
- Searched by someone of the same sex as you

# Theme 2: Rights & Responsibilities Role of the Judiciary

## Keywords:

**Civil Law:** law that deals with disputes between individuals or groups. There are civil courts which award **damages** (a money payment) or can make **court orders** which state that certain actions should be taken (a divorce for example).  
**Criminal Law:** law that deals with individuals who break the law, as determined by the state. Police gather evidence and make arrests. The state prosecutes in a criminal court where juries decide whether an individual is innocent or guilty and judges decide on the sentence to be given.

**Crown** (monarch) – but their powers have been transferred to the government).

**Crown Prosecution Service (CPS):** checks the evidence presented by the police and decides whether a case can be brought to court.

**Judiciary:** ‘system of judges’ used in UK legal system.

**Judges:** appointed by the Crown. They are solicitors or barristers who apply to become a judge. They hear the evidence in a court, and they sum up the evidence for the jury. If the individual is found guilty (convicted) they pass the sentence.

**Juries:** 12 local citizens whose names are chosen at random from the list of electors. They mainly sit in criminal cases. The jury listens to the evidence and decides whether the individual is innocent or guilty.

**Equality Act (2010):** legally protects people from discrimination in the

## Role of the Judiciary

The **Judiciary** is the section of the state that settles legal issues. It examines issues and cases where the citizen is accused of breaking the law and has to make a judgement whether or they have. If guilty, the judiciary decides what **sentence** will be given. They make decisions on whether an **appeal** against a sentence or on a point of law is successful. Judiciary is **politically neutral**.

## Legal Representatives

**Legal Executives** – qualified professionals employed by solicitors and help prepare cases.

**Solicitors** – undertake most of the work in Magistrates’ Courts and County Courts, preparing cases and representing clients in court. They also take on commercial work e.g. writing wills, advice on tax, purchase of houses.

**Barristers** – present cases in court. They’re ‘briefed’ (employed) by a solicitor to represent the solicitor’s client. They can work in a Magistrates’ Court but work mainly in Crown Court.

**Table 7.2** The different roles within the hierarchy of the judiciary

Lord Chief Justice	The most senior judge in the UK: the head of an independent judiciary
President of the Supreme Court	Head of the UK’s highest domestic appeal court
Justices of the Supreme Court	Judges who hear civil and criminal appeals in the UK’s most senior court
Senior President of Tribunals	The head of the judges in the UK Tribunal Service
Master of the Rolls	President of the Court of Appeal (Civil Division)
Chancellor of the High Court	The head of the Chancery Division of the High Court
President of the Family Division	Head of Family Justice
President of the Queen’s Bench Division	Also the Deputy Head of Criminal Justice
Lord Justices of Appeal	These judges hear appeal cases in the civil and criminal divisions of the Court of Appeal
High Court Judges	These judges may hear trial and appeal cases in the High Court, sit on some appeals in the Court of Appeal and judge serious cases in Crown Court trials
Circuit judges	These judges hear criminal cases in Crown Courts and civil cases in the County Courts
Recorders	These judges work part time hearing criminal cases in the Crown Court and civil cases in County Courts. These judges are qualified barristers or solicitors
District judge	These judges hear the bulk of civil cases in the county courts
District judge (Magistrates’ Court)	These judges deal with the most complex cases in a Magistrates’ Court
Tribunal judges	These judges deal with most cases brought before tribunal hearings; they often sit with lay members
Magistrates	Magistrates are volunteers from the local communities who agree to sit and dispense justice in Magistrates’ Courts. They are also referred to as Justices of the Peace (JPs). They receive training and are supported by legal advice in the courtroom. They normally sit as a ‘bench’ of three magistrates. In 2014, there were 22,214 magistrates.

## Different roles in the Judiciary

# Theme 2: Rights and Responsibilities

## Key Words:

**Solicitor:** legally qualified people who advise clients on a range of issues, such as divorce, buying a house, making a will, and criminal matters. They represent clients in lower courts, and prepare cases for barristers to try in higher courts. (Like going to your GP if you feel ill)

**Barrister:** specialist legal advisers who are employed by solicitors to offer specialist legal advice or represent clients in higher courts. (Like when your GP refers you to a specialist for your specific problem).

**Magistrate:** ordinary citizens who volunteer to become magistrates – they receive training to do this. They sit with other magistrates in a Magistrates Court and decide the outcome of cases.

**Youth Offending Teams:** develop a range of services to work with young people who have committed crimes or at risk of committing crimes. They make young people face up to the consequences of their behaviour. Tackle issues such as truancy, drug/alcohol use, school exclusion which put young people at risk.

**Probation Service:** works with offenders aged 18 and above who have been sentenced to a Community Order or a Suspended Sentence Order or have been released from prison on licence. They work with offenders to try and stop them from committing further crimes, prepare prisoners for release from prison, liaise with victims of crimes.

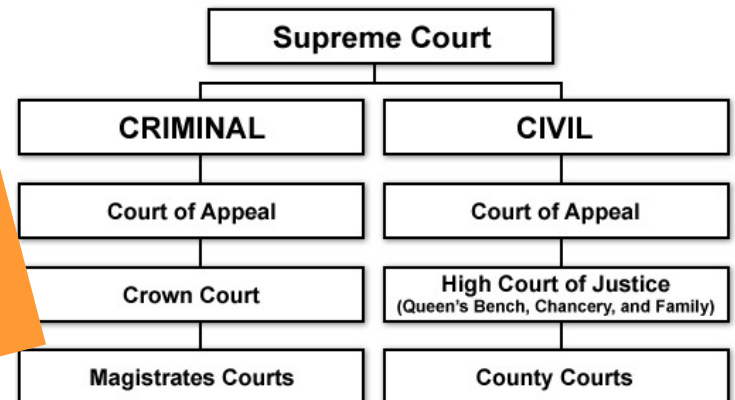
## Purpose of Sentencing:

1. To punish the offender.
2. Seek to reduce crime – deterrence.
3. Reform and rehabilitation of the offender (change their behaviour).
4. Protect the community.
5. Reparation – offender makes amends to people affected by their crimes.

## Does prison work?

1. Prisoners service less than a year have the highest re-offending rate.
2. Nearly half of prisoners released from prison go on to commit further offences.
3. It is estimated that re-offending in England and Wales costs the taxpayer up to £10 billion per year.

**UK Court System – there is a right to appeal if you do not agree with the decision/sentence you have been given/awarded.**





## Theme 2: Rights & Responsibilities Criminal and Civil Law

Issue	Civil Law	Criminal Law
Case brought by	Individual or group or organisation	<b>CPS</b> on behalf of the state
Decision	Defendant found <b>liable</b> in regard to the issue.	<b>Defendant</b> is <b>convicted</b> if found <b>guilty</b> or <b>acquitted</b> if found <b>not guilty</b>
Proof required	Evidence must be provided that supports the claim being made.	Beyond reasonable doubt
Burden of proof	The <b>claimant</b> must give the proof to support their claim.	The accused is <b>innocent until proven guilty</b> . The prosecution must prove their case; the accused does not have to prove their innocence.
Punishment	<b>Damages, compensation</b> or an <b>injunction</b> (an order to stop taking an action)	Non-custodial or custodial sentence if found guilty.
Appeal	Either party can appeal a court's decision.	Defendant may appeal against a court's verdict in regard to either the verdict or the sentence.

### Common Law:

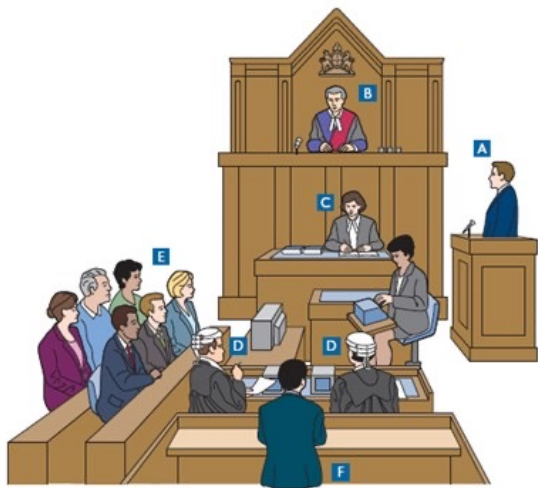
Law based on judges rulings in court. Common law develops over time to deal with ever-changing situations in society. Judges create Common Law by giving a written judgement about the case before them.

### Statute Law or Legislation:

Law passed by Parliament. This law is written down in Acts of Parliament. For example, a Road Traffic Act might define speed limits and punishments given for speeding.

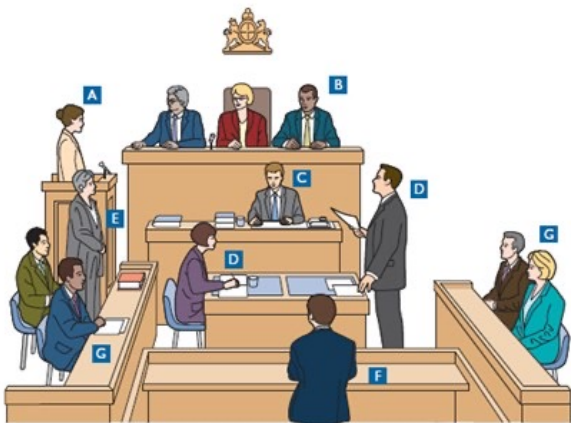
Age	Legal Rights
13	Work, within certain restrictions e.g. number of hours worked.
14	Go into a pub, but you cannot drink or buy alcohol.
16	Hold a licence for a moped. Drink wine/beer with a meal in a restaurant. Get married with parent's consent. Buy a lottery ticket. Choose your own doctor.
17	Hold a licence to drive any vehicle except HGVs.
18	Drink and purchase alcohol. Purchase tobacco. Get married (without consent) Get a credit card. Vote. Sit on a jury. Donate blood.

# Theme 2: Rights & Responsibilities Criminal and Civil Courts



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

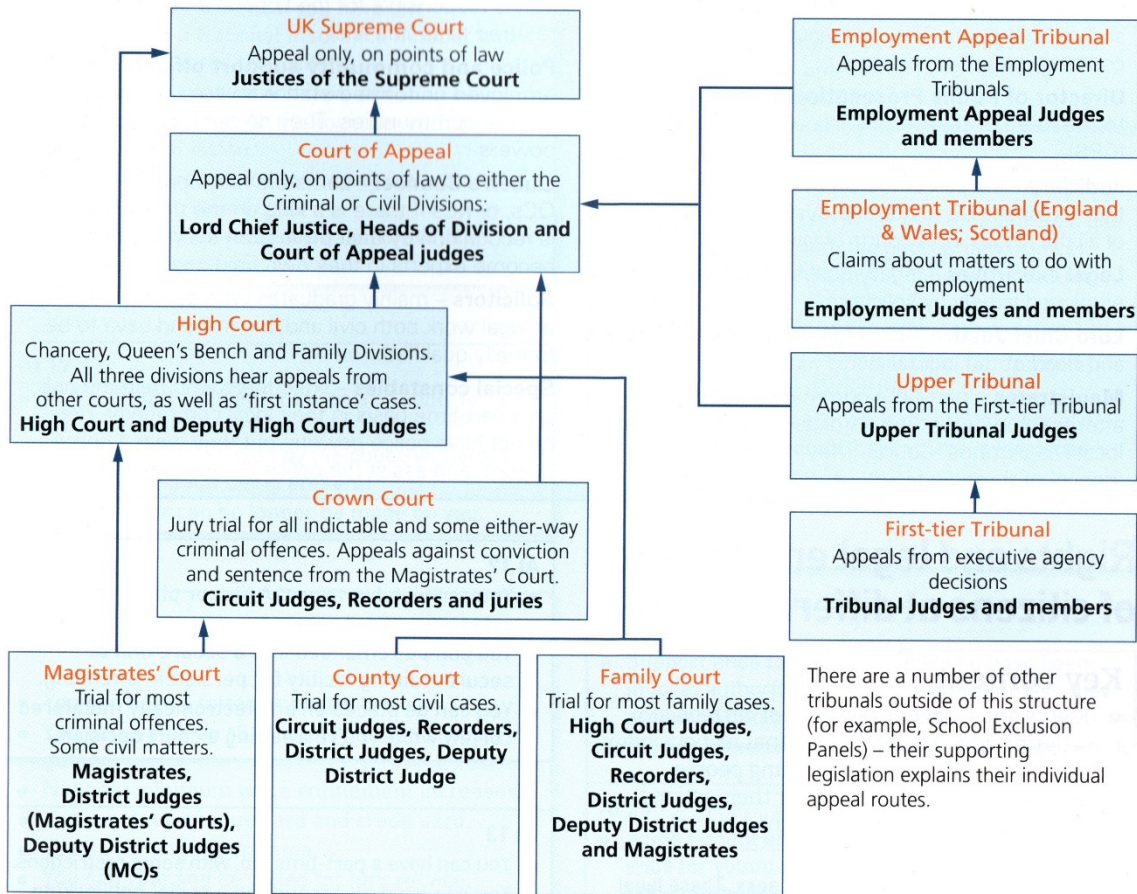
Typical Crown Court



Key: **A** Witness **B** Magistrates **C** Clerk of the court  
**D** Lawyers for the prosecution and the defence  
**E** Court usher **F** Defendant **G** Others

Typical Magistrates Court

## The Structure of the Courts



There are a number of other tribunals outside of this structure (for example, School Exclusion Panels) – their supporting legislation explains their individual appeal routes.

# Theme 2: Rights & Responsibilities Crime & Punishment

## Key Words:

**Magistrate:** ordinary citizens who volunteer to become magistrates – they receive training to do this. They sit with other magistrates in a Magistrates Court and decide the outcome of cases.

**Probation Service:** works with offenders aged 18 and above who have been sentenced to a Community Order or a Suspended Sentence Order or have been released from prison on licence. They work with offenders to try and stop them from committing further crimes, prepare prisoners for release from prison, liaise with victims of crimes.

**Aggravating Circumstances:** something that makes a crime more serious.

**Mitigating Circumstances:** something that makes the charge or the offender's responsibility less serious.

**Custodial Sentence:** a sentence passed by the court that involves the accused having their freedom taken away by being put in prison.

**Non-custodial sentence:** a criminal sentence that does not involve imprisonment.

**Recorded Crime:** those crimes that are reported to and recorded by the police.

**The Crime Survey for England and Wales (CSEW):** this is a face-to-face survey asking people in England and Wales about their experiences of crime in the past year. The CSEW provided a more accurate picture of the amount of crimes as it asks about those crimes not reported to or recorded by the

## Purpose of Sentencing:

1. To **punish** the offender.
2. Seek to reduce crime – **deterrence**.
3. **Reform and rehabilitation** of the offender (change their behaviour).
4. **Protect** the community.
5. **Reparation** – offender makes amends to people affected by their crimes.

### Does prison work?

1. Prisoners servicing less than a year have the highest re-offending rate. 59% re-offend.
2. One in four prisoners re-offend within a year.
3. It is estimated that re-offending in England and Wales costs the taxpayer up to £13 billion per year.

### Types of Crime Recorded in the Crime Survey for England and Wales (CSEW)

- **Violent Crime** (violence against a person, murder, manslaughter, knife crime, assault).
- **Hate Crime** (criminal offence seen by the victim or any person, to be motivated by prejudice/hostility based on race, religion, sexual orientation, disability or gender).
- **Sexual Offences** (rape and other sexual offences such as sexual assault).
- **Robbery** (use of threat or force during or before the theft).
- **Theft Offences** (burglary, theft of vehicles, theft from a person, bicycle theft, shoplifting).
- **Criminal Damage/Arson** (deliberate or malicious damage to a home, property or vehicle).
- **Fraud** (deception for personal gain e.g. using someone else's credit card, claiming for an item on your insurance when it hasn't been damaged/lost, using some else's identity).
- **Anti-social Behaviour** (being a nuisance, loud or inconsiderate behaviour, vandalism, graffiti, street drinking).

# Theme 2: Rights & Responsibilities Types of Sentences

## Types of Custodial sentences:

### 1. Imprisonment

- The most severe sentence available to the courts. It is reserved for the most serious offences. It is imposed where the public needs to be protected. The length of the sentence depends on the seriousness of the crime and the maximum penalty laid down in legislation. For example:
  - Seven years for some drug offences
  - Three years for a third burglary offence
  - Five years for some fire arms offences.

### 2. Life sentences

- Parliament has decided that judges must give a life sentence to all offenders found guilty of murder. The judge will set a minimum term before the offender can be considered for release by the **Parole Board**. The 2003 act laid out a schedule. For example
  - Murder with a knife or weapon is 25 years
  - Whole life sentences – the prisoner will die in prison eventually. In 2014, 56 prisoners were serving this sentence, including Ian Brady and Rosemary West.

### 3. Extended sentences

- This was introduced to provide the public with extra protection where the public may need protection after the prisoner is released. The prisoner may be on licence for an extra eight years. In 2014, 635 prisoners were on extended licence.

### 4. Determinate sentences

- This is the most common prison sentence. This is where the court sets a fixed length for the sentence. Prisoners do not always serve their full sentence and are allowed to serve some on licence in the community. Their release depends upon their behaviour in prison. If they have gone to prison for six months, they could be released after three months and be on licence for nine months. In 2014, 90,871 offenders were given this sentence.

### 5. Suspended sentences

- If a court imposes a custodial sentence of between fourteen days and two years, the judge can decide to suspend the sentence for up to two years. The court will require the offender to undertake other tasks such as:
  - Doing unpaid work
  - Being subject to a curfew
  - Undertaking treatment for drugs/alcohol
  - Being subject to a supervision order.
- If the offender does not comply or commits another offence. The previous offence is taken into account. In 2014, 91,313 offenders were given a suspended sentence.

## Types of Non- Custodial sentences:

Other non-custodial sentences could include:

- Fines
- Community sentences
- Ancillary orders
- Discharge

## Non Custodial Sentence:

### Criminal Behaviour Orders (CBOs):

These replaced Anti-Social Behaviour Orders (ASBOs) in 2014 – these are to deal with the hard-core of persistently anti-social individuals who are also engaged in criminal activity. Used when a person has engaged in behaviour that caused or was likely to cause harassment, alarm or distress to one or more persons not of the same household as the offender.



# Theme 2: Rights & Responsibilities Youth Offenders

## Key Words:

**Justice:** administering the law, fair and morally right.

**Law:** a system of rules recognised by a country or society as the way in which people behave and sanctions that can be used.

**Non-custodial sentence:** a sentence that does not involve going to prison e.g. a fine, community service.

**Police:** an official state organisation responsible for preventing and solving crime.

**Restorative Justice:** brings those affected by crime (victims) together with those responsible for the crime.

**Rule of law:** this means the law applies to everyone, even politicians, judges, police and those who are wealthy.

**Sentencing:** process of giving a punishment to a person found guilty of a crime.

**Verdict:** the decision made by a magistrate or a jury as to whether the accused is innocent or guilty.

**Youth Offending Teams:** develop a range of services to work with young people who have committed crimes or at risk of committing crimes. They make young people face up to the consequences of their behaviour. Tackle issues such as truancy, drug/alcohol use, school exclusion which put young people at risk

## AGE OF CRIMINAL

**RESPONSIBILITY IS 10 years old providing it is proved the child**

## The Law & Young Offenders:

**Those 17 and under are classified as 'young offenders' - dealt with by the 'youth justice system'.**

Imprisonment for youth offenders is a last resort:

1. Children below the age of **ten** are **NOT** considered to be **criminally responsible** for their actions and cannot be charged.
2. Children aged **ten to fourteen CAN** be convicted of a **criminal offence** if it can be proved that they knew what they did was seriously wrong.
3. **After the age of fourteen** young people are considered to be fully responsible for their own actions.

For a first minor offence young people are dealt with outside the court system. For second offences they are likely to receive police final warnings.

## Youth Courts:

Youth courts are located inside Magistrates' Courts.

They are less formal in layout and proceedings than adult courts.

They deal with most cases involving people under eighteen.

Magistrates and district judges in these courts can give a range of punishments e.g. detention, training orders, community sentences.

Members of the public cannot attend Youth Courts.

In very serious cases (murder, rape, robbery) young people will appear in a Crown Court.

## Case Study - James Bulger

**February 1993** - James Bulger, aged two, was abducted from a shopping centre and brutally murdered by Jon Venables and Robert Thompson - both aged ten.

**November 1999** - Venables and Thompson convicted and sentenced to at least eight years of secure Youth Accommodation.

**December 1999** - The European Court of Human Rights decided the two did not receive a fair trial and the case was heard in an adult court.

**October 2000** - Lord Chief Justice ruled Thompson and Venables could apply for parole.

**June 2001** - Thompson and Venables freed on 'Life Licences' - freed but if they break conditions of their licence they return to prison to complete their sentence.

**March 2010** - Venables returned to prison for breaking the terms of his licence.

## A Youth Court in Session:

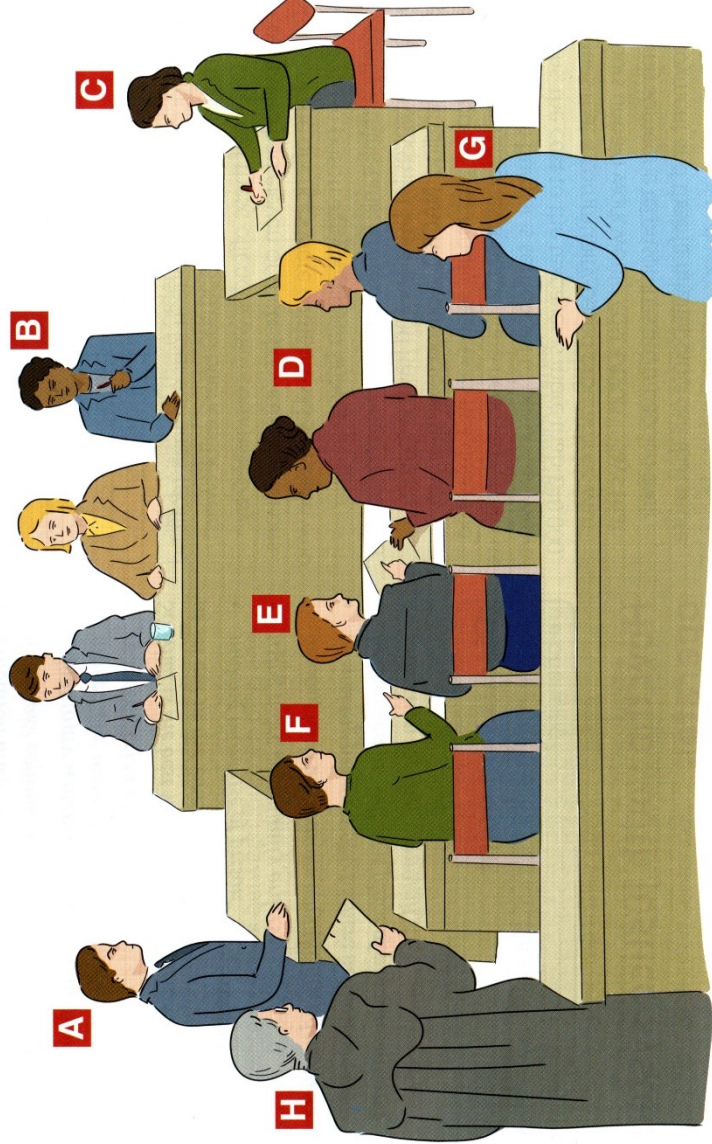
The court can give a range of community sentences or Detention and Training Orders, which are served in secure centres for young people:

- Detention and Training Orders
- fines up to £1000
- Youth Community Orders
- Reparation Orders
- Referral Orders
- absolute or conditional discharge
- ancillary orders
- binding over the offender's parents.

The sentence given will take into account:

- the age of the offender
- the seriousness of the crime
- whether the offender has a criminal record
- whether the offender pleaded guilty or not guilty.

The court takes into account any **aggravating** or **mitigating circumstances** before it passes sentence. The press are allowed to report the case but not the name of the accused, their address or school, or information relating to any other young person involved in the case.



**A** Witness

**B** Magistrates

**C** Clerk of the court

**D** Lawyers for the prosecution and defence

**E** Defendant

**F** Parent

**G** Youth offending team worker

**H** Usher

# Theme 2: Rights & Responsibilities Youth Offenders

# Theme 2: Rights & Responsibilities Citizens & The Law

## Key Words:

**Jury Service:** citizens may be asked to serve on a jury – this is part of their civic duty. Twelve people serve on a jury. They are selected at random from the register of voters (electoral roll).

**Neighbourhood Watch:** a voluntary scheme in which people in a community work with police to try and help reduce the crime in that area.

**Witness to Crime:** a witness will make a statement about their version of events. This contributes to the process of justice as the evidence can be used to help decide if someone is innocent or guilty. A witness may be asked to attend court to go over their account of what they saw.

**Victim of Crime:** the person who has been affected by the crime/reports the crime to the police. May appear in court to give evidence.

**Magistrate:** ordinary citizens who volunteer to become magistrates – they receive training to do this. They sit with other magistrates in a Magistrates Court and decide the outcome of cases.

**Tribunal:** a special type of court set up to settle certain types of dispute e.g. if you have a dispute with your employer such as unfair dismissal you can go to an **employment tribunal**.

**Special Constable:** a volunteer who works with and supports their local police. They volunteer for a minimum of 4 hours per week. They have a period of training and have the same powers as regular police

## Jury Service

- Groups of 12 citizens selected from the local electoral register.
- They will hear a case in the a court in the area they are from e.g. Portsmouth Crown Court.
- They decide together on the **verdict** of the case (innocent or guilty) based on the facts and evidence they hear or are shown.
- The judge will help guide them.
- Juries normally have to reach a **unanimous verdict** (everyone has to agree) but sometimes they are allowed to reach a **majority verdict** where one or two jurors disagree with the decision.
- 178,000 people each year are called for Jury service.
- Lawyers in court can object to an individual being on the jury.
- If you do not turn up for jury service you are fined £1000
- You CANNOT serve on a jury if: you are under 18, over 75, have a criminal record or are on bail, do not have citizenship in the UK or have not lived in the UK long enough.
- You can claim expenses and for loss of earnings.

## Tribunal

Citizens can apply to become members of official tribunals which deal with specific complaints and issues e.g. employment issues or school admissions.

## Magistrates

- Also known as JPs or Justices of the Peace. They are citizens from the local community who volunteer to manage justice in their local Magistrates' Court. They do not have to have a legal background as they will get training.
- There are usually 3 Magistrates who sit as a 'bench' to hear case. All criminal cases start in Magistrates' Court – serious cases are passed up to the Crown Court.
- They can give out fines up to £5000 per offence, give community orders or send an offender to prison for six months or twelve months for more than one crime.

## Police & Crime Commissioners

Created by Conservative government in 2010. First appointments were in 2012. Each regional police force has a Police and Crime Commissioner who are elected by citizens in the area. Turnout for these elections was only 15% on average. Political candidates stood for election to these roles across the country. Their role includes:

- Meeting the public to listen to their views on policing.
- Produce a police and crime plan for the area they represent.
- Decide how the police budget should be spent in their area.
- Appoint the Chief Constable for their area.



# Theme 2: Rights & Responsibilities International Law

## Key Words:

**Geneva Convention:** the most important conventions relating to how civilians and others should be treated during times of war.

**Hague Convention:** deals with the rules on the conduct of war.

**International Criminal Court:** set up in 1998 to try persons for crimes against humanity or war crimes. 120 nations agreed to work with the court.

**International Humanitarian Law (IHL):** law associated with international disputes and the conduct of war and people affected by war.

**War Crimes:** crimes committed against an enemy, prisoner of war or civilian that go against international agreements of what is acceptable during war or, as in the case of genocide, is an offence against humanity.

**International Conflict:** a conflict that involves at least 2 states/countries in disagreement with each other.

**Genocide:** the deliberate killing of a large group of people – especially those of a particular nation or ethnic group.

**Human Rights Abuses:** actions taken that go against international agreements on human

## Hague Convention & Geneva Convention

- Last 150 years there have been international agreements that countries have been able to sign up to on international humanitarian laws and conflicts.
- 2 most important examples of **International Humanitarian Law (IHL)** are the **Geneva Convention & Hague Convention**.
- The Hague Convention deals mainly with conduct during warfare.
- The Geneva Convention deals more with the protection of civilians during armed conflicts.
- **The International Committee of the Red Cross** are seen as the 'guardians of the Geneva Convention'.

## Aims of IHL

- protect innocent people not involved in the conflict – sick, wounded, prisoners, civilians.
- set out the rules and responsibilities of those involved in armed conflict.

In 1998, an international conference led to the **International Criminal Court** – an independent organisation based in The Hague in The Netherlands.

## CASE STUDY: Genocide in Rwanda:

in 1994, Rwanda's population of 7 million was made up of 3 ethnic groups: Hutu (85%), Tutsi (14%) and Twa (1%). In the early 1990s, Hutu extremists blamed the whole Tutsi population for the country's social, economic and political problems.

In April 1994 a plane carrying the president, a Hutu, was shot down. This led to violence and Hutu extremists started to massacre the Tutsi population. At the start of this genocide the leaders of the Tutsi were killed. Hutu extremists launched plans to destroy the entire Tutsi population. Political leaders who might have been able to take charge of the situation and those against the Hutu extremist plans were killed immediately. Tutsi and people suspected of being Tutsi were targeted. Entire families were killed at a time. Women were brutally raped. It is estimated that 200,000 people took part in the Rwandan genocide. During the genocide, 800,000 men, women and children were killed – as many as three quarters of the Tutsi population.

Initially the international community did nothing. In November 1994 the United Nations Security Council established the **International Criminal Tribunal for Rwanda (ICTR)** to hold those responsible for the genocide to account. This case **highlighted the need for an International Criminal Court for those accused of genocide, war crimes etc.**

INTERNATIONAL CRIMINAL  
TRIBUNAL FOR RWANDA



52  
convicted

11  
pending

12  
acquitted

10  
at large

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