

Fairness and justice in decision-making and the law

Why does law exist?	
Name three types of criminal offence;	
Give an example of what civil law deals with	
When we talk about the Crown- what do we mean?	
Which organisation decides whether cases should be taken to court?	
What job do the people in the CPS have?	
Which courts do all criminal cases start in?	
In these cases, who decides if the defendant is guilty?	
Where are more serious crimes sent?	
What is the responsibility of the jury in the crown court?	
What are the responsibilities of the judge in these cases?	
Where would a teenager be tried?	
The criminal doesn't pay compensation to the victim- who does?	
Why do we have human rights?	
What is the Universal Declaration of Human Rights?	
Name 3 rights that we find in there:	
What is the ECtHR?	
Give 2 examples of cases that have been brought to this court?	
Briefly explain how the Human Rights Act of 1988 can affect our lives?	

International Humanitarian Law is a set of rules applying to which circumstances?	
Give 2 examples of some of the rules of conflict.	
Explain one example of how security and privacy conflict	
If a paper has invaded your privacy and published a story about your private life - you can claim some money. What is this money called- it begins with a 'D'	
What is one of the problems of storing data?	
What law has been passed to make sure this information about us is secure?	
Is a citizens' arrest a good thing?	
Is it a criminal offence if we decide not to help the police?	
If we are scared of being a witness, which group can protect us?	
How many people do you get on a jury?	
Give 2 rights of citizens	
Give 2 rights of the police	
Give 2 responsibilities of citizens	
Give 2 responsibilities of the police	

What is a party manifesto?	
What is a white paper?	
After all the different stages of making a law- who is the person who gives final approval?	
If we want advice about a problem at work- which organisation could we go to?	
If we want some general advice about a problem- which organisation could we go to?	

Fairness and justice in decision-making and the law

How do the police, CPS and criminal courts uphold the law and deal with people accused of crime?

Why do we have laws?

Law exists to control our behaviour. If we didn't have it, people wouldn't be able to trust others. The law also has to be applied to everyone fairly for it to work properly. The law works best when:

- Everyone knows it and agrees with it
- It is easy to understand
- Punishments are fair

What are criminal offences?

Many types of crime, but they usually fall into these 3 categories:

1. crime against property e.g. theft
2. crime against people e.g. assault
3. crime against the Crown (the country) e.g. treason

Civil law deals with disputes that aren't crime e.g. divorce or people who argue about where their hedge should be!

What is the role of the police?

They are responsible for upholding the law and protecting us from crime. They investigate crimes on behalf of the **Crown (the country)**. They have the legal right to stop, search and arrest people. If you are arrested you are entitled to legal help and advice.

Who decides to take cases to court?

The Crown Prosecution Service (CPS) makes this decision. This is a group of trained lawyers who decide if the case is serious enough to go to court.

How are the courts organised?

All cases start in the **Magistrates Court**. The less serious cases are sentenced there. *Magistrates* are trained people who listen to the evidence and decide what to do with the defendant. Magistrates send more serious crimes (like robbery) to the Crown Court. If found guilty the defendant might be fined. This money is given to the Crown.

In the **Crown Court a judge and jury** listen to the case. The jury decides if the defendant is guilty. The judge advises the jury and makes sure the trial is fair. The judge decides on the punishment.

People under 18 are usually tried in a **Youth Court**.

What happens to the victims of crime?

They may receive compensation from the Criminal Injuries Compensation Board. They will be offered support from an independent charity called Victim Support.

How does crime threaten human rights?

Many victims of crime are upset by their experience. Some even suffer from long-term problems like depression. Crime also has an economic consequence as people have to replace what they have lost.

How are human rights protected by the Universal Declaration of Human Rights, the Human Rights Act and international humanitarian law?

What are human rights?

They are there to protect us- and we all have the responsibility to protect them and not take them away from anyone.

The Universal Declaration of Human Rights

This was made by the UN after World War 2. Not every country follows these laws, but it helps us measure how governments are treating their people around the world.

Some examples from the Universal Declaration of Human Rights:

- right to a fair trial
- right to freedom of thought and religion
- right to an education
- right to make peaceful protest

The European Court of Human Rights (ECtHR)

The Council of Europe was set up in 1949 to check human rights in Europe. They set up this court and European citizens can apply to this court if they feel their human rights have been abused. Their rights are similar to those listed above, but they also ban things like:

- death penalty
- slavery

Below are some cases that have been brought to the ECtHR

- telephone tapping
- discrimination against homosexuals

The Human Rights Act 1988

By passing this Act the UK government has brought all the rights from the ECtHR into the UK. It means that all public bodies like the police, schools, hospitals must respect all these rights. If they don't they can be taken to court.

International Humanitarian Law

This is a set of rules to protect people in times of war. It protects those who aren't fighting and places limits on weapons and tactics that can be used.

These are the 7 rules of conflict that they have:

1. people who aren't fighting should be protected

2. an enemy who surrenders should not be killed
3. the wounded must be cared for- the Red Cross must be respected
4. all captured fighters should receive aid and be able to contact their families
5. everyone should get a fair trial
6. weapons that cause unnecessary suffering shouldn't be used e.g. chemicals
7. no civilians should be attacked

How do rights compete and conflict?

Sometimes rights can clash with each other- below are some examples:

Security vs. privacy

In the ECtHR it says people should have privacy over their emails, letters and phone calls. BUT, in 2009 the UK government said that our emails etc could be read to improve the UK's security.

Press freedom vs. privacy

There are often conflicts about whether the media can write stories that embarrass people, but they are allowed to if they can prove it is in the public interest. Think about some celebrity stories- should they be allowed?

How does the law help when rights compete or conflict, or where people want to protect or promote their rights?

Using the courts to put things right.

If you think the press has invaded your privacy - you can prevent the publication of the article by using the courts. If the article has already been printed then you can claim damages. You will have to use civil law to claim this as it is not a criminal offence. Some people do try to use the Human Rights Act to protect their private lives.

The Data Protection Act

Schools and businesses collect lots of personal information about us and store it as data. This storage of data can be a threat to our privacy and could lead to identity theft. The Data Protection Act allows the storage of data so long as strict rules are followed.

What responsibilities do citizens have to obey the law and support the justice system?

Should people always obey the law?

We all have a responsibility to find out about laws and obey them. Some people object to laws and try to break them to prove a point. For example, the suffragettes would act violently to get noticed in their campaign to get the vote.

What responsibilities do citizens have to support the justice system?

Making a citizens' arrest

Anyone can arrest anyone if someone has committed a criminal offence. You can also arrest someone who has escaped from prison. You are allowed to use reasonable force to do this- in

fact the police advise you not to do a citizens' arrest since people can get in trouble for using too much violence.

Assisting the police

Some people become special constables and provide practical help on a day to day basis. We have to help the police to find criminals- not helping them is a criminal offence.

Being a witness in court

The justice system relies on witnesses to give statements and help out in court. Some people are scared of being witnesses as they think that they might get in trouble from the criminals. To protect these the Witness Service helps them.

Jury service

A jury is made up of 12 ordinary people who are selected at random. You see juries at serious crimes such as murder. The people on the jury have to consider all the evidence and decide if the defendant is guilty.

What are the rights and responsibilities of citizens and the police?

CITIZEN	POLICE
RIGHTS	RIGHTS
<ul style="list-style-type: none"> • treated fairly according to the law • to be given a reason for arrest • to remain silent or refuse to answer questions 	<ul style="list-style-type: none"> • to expect help from the citizens • to detain someone for 24 hours without charge • to use reasonable force to stop and search someone
RESPONSIBILITIES	RESPONSIBILITIES
<ul style="list-style-type: none"> • obey the law • not obstruct the police • not to destroy evidence 	<ul style="list-style-type: none"> • treat people with respect • obey the law themselves • use force only as a last resort

How does a Bill pass through the UK Parliament to become an Act and a new law?

1. **PARTY MANIFESTO:** these are the promises that a political party makes to the people
2. **GOVERNMENT POLICY:** the most important things from the manifesto are put into the Queen's speech when a new government is elected. She tells the people the priorities of the new government
3. **GREEN PAPERS AND WHITE PAPERS:** a green paper invites us to say what we would like to have changed. A white paper consults people on the detail on the new law
4. **FIRST PARLIAMENTARY READING:** the government uses comments from the white paper to draw up a Bill. MPs debate the Bill and if they agree that it should be made into a new law- it goes to the next stage
5. **THE COMMITTEE STAGE:** next a smaller group of MPs looks at it to see if it will work. They may suggest changes

6. *REPORT STAGE AND THIRD READING*: the committee take the Bill back to Parliament for any changes that have been made. At the Third Reading the MPs vote on whether it should be passed.
7. *HOUSE OF LORDS*: this group now discusses it and proposes changes, but the House of Commons can ignore these changes
8. *ROYAL ASSENT*: The Queen as head of state gives final approval- before the Bill can become law

Where can people get legal advice and support?

1. *SOLICITOR*: they offer legal advice. This is often expensive and people can apply for Legal Aid which helps them pay for this
2. *TRADE UNIONS*: legal advice and help for people who have problems at work
3. *RIGHTS AND ADVICE WEBSITES RUN BY CHARITIES OR THE GOVERNMENT*: websites like www.which.co.uk offer advice on buying goods and where your legal rights are It is a good source of initial advice.
4. *CITIZENS ADVICE BUREAU*: this organisation can tell you where to go if you have a particular problem