

# Chapter 1: Rights and responsibilities



This chapter begins with an investigation of rights and responsibilities in a school or college context. From this familiar starting point, we go on to consider the origins of our rights, the ways in which human rights have been extended and safeguarded, and the difficulties that occur when different rights conflict. This chapter links with Chapter 2, *The law* and Chapter 12, *The UK and its relations with the wider world*.

Learning the following key concepts and terms will make it easier to organise your thinking and communicate your ideas:

- moral and legal rights
- moral and legal duties or responsibilities
- human rights, freedoms and equalities
- criminal responsibility
- the rule of law
- political rights
- rights of representation including the terms 'trade union' and 'employers' association'
- balancing rights.

## Citizens' rights, duties and freedoms

### Key learning

Study, understand and analyse the human, moral, legal and political rights, and the duties, equalities and freedoms of citizens.

### What moral rights do people have?

Within a family, people do not usually have to follow written rules. Instead, the way family members behave is governed by the expectations they have of each other. For example, children expect parents to help and support them. Children feel that they have a right to such support. Parents expect children to help around the house. Here too, parents feel they have a right to be helped with the housework. When a parent or a child's expectations are not met, people feel let down and there are likely to be arguments. Some family members may feel that their rights have been ignored.

While families rarely have written rules, schools usually do. However, informal expectations are just as important in school as they are in a family. We expect certain types of action and behaviour from others at school. Learners expect teachers to teach lessons that are interesting and well organised. Learners therefore feel they have a right to interesting and well-organised lessons. Teachers expect learners to listen to instructions. Teachers therefore feel that they have a right to be listened to in class. These are examples of **moral rights** not **legal rights**. There is no law against ignoring a teacher. However, if learners do not listen, then classroom relationships can quickly break down and little progress will be made.

We also have moral rights in our relationships with other people. Just as within our family and at school, we expect other people to behave in ways that show us respect. We expect to walk down the street without other people bumping into us, we expect to be served politely in a shop and we expect help if we need support.

Figure 1.1 Relationships in school depend largely on moral rights and duties



**Moral rights** What we expect from others in particular situations. For example, parents expect to be contacted by teachers if their son or daughter misbehaves. This is not a legal right but parents still expect it to happen. Therefore it is a moral right – based on what can be reasonably expected in a school context.

**Legal rights** Expectations supported by the law. For example, a child would reasonably expect to be educated. Education is so important for a child's development that there are laws requiring parents or carers to arrange a suitable education for their children – making education a legal right.

## Activity

1. Check your understanding of moral rights and responsibilities in school by filling the gaps in a grid like the one below.

Moral right	Moral responsibility
To have work assessed promptly	
	To speak out against bullying
To have personal property respected	
	To support anyone who is upset
To work in clean, tidy rooms	

## What moral duties do people have?

We expect to have certain rights in our family, in our school and in the wider community. However, rights come with duties or responsibilities. For example, it is not fair for us to expect to have the right to be listened to unless we exercise the responsibility or duty to listen to others. Just as parents have a duty to support their children, children have a duty to support their parents if they become elderly and frail. Such duties often stem from a 'Golden Rule' that we should treat other people as we would like to be treated ourselves. Many people see this simple principle of **reciprocity** as a foundation stone for positive human behaviour. All five major world religions include a version of the 'Golden Rule' in their teachings.

Most schools have a Home/School Agreement setting out the rights and duties of learners, teachers and parents. A typical agreement might include responsibilities or duties similar to those in Figure 1.2.

**Reciprocity** Giving something in return. We expect other people to behave towards us with generosity and consideration. In return, we should try to be generous and considerate towards others. Reciprocity is often a feature of relationships between people, but it can also underpin relationships between businesses, organisations or nations. For example, trade agreements or military alliances between countries are based on reciprocity.

Figure 1.2 A Home/School Agreement

## Teachers' responsibilities

- Teach good lessons and set suitable class work and homework that will be marked regularly and returned promptly.

## Parents' or carers' responsibilities

- Check their son or daughter's homework. Take an interest in the work their children do at home and make sure it is completed.

## Learners' responsibilities

- Listen to teachers, and work hard. Keep a careful record of all homework tasks and hand homework in on time.

## Activities

2. Compare your school's Home/School Agreement with the teachers', learners' and parents' responsibilities in Figure 1.2. Select and record three important responsibilities from your Home/School Agreement to add to the responsibilities in Figure 1.2. Discuss your additions, and reasons for choosing them, with other learners and your teacher.
3. The Education Act of 1996 states the following:  
*If it appears to a local education authority that a child of compulsory school age in their area is not receiving suitable education, either by regular attendance at school or otherwise, they shall serve a notice in writing on the parent requiring him to satisfy them within the period specified in the notice that the child is receiving such education.*  
 Study the extract above carefully and answer the questions that follow. You will need to carry out further research on the internet to help you with your answers.
  - a) State the legal responsibilities (if any) of:
    - children of compulsory school age
    - parents.
  - b) Describe what is meant by the phrase 'either by regular attendance at school or otherwise' (lines 3 and 4).
  - c) Describe the steps taken by the local education authority in your area to make sure children receive 'suitable education' (line 3).
  - d) Explain why local educational authorities may have difficulty enforcing the 1996 Education Act.

## Understanding human and political rights, freedoms and equalities

**Human rights** are the rights people are entitled to simply because they are human. Such rights are universal – they apply to all people, wherever they live, and are the same for everyone. Descriptions of human rights refer to moral behaviour and are based on people's reasonable expectations of how they should be treated. People are only able to enjoy their human rights if all citizens and their governments respect and uphold those rights. National laws usually require all citizens to respect the human rights of others.

People should not expect to have their rights removed unless they ignore other people's rights. When a government removes someone's rights, it must do so legally. For example, a person should have the chance to defend themselves in court before their right to freedom is removed.

**Human rights** The fundamental rights that apply to all human beings whatever their nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. Everyone is entitled to their human rights without discrimination. These rights are all interrelated and so if one right is denied, it will have a negative impact on other rights. International human rights set out governments' duties to promote and protect the human rights and freedoms of their citizens.

Figure 1.3 Even prisoners have rights



## Constitution of Medina 622 CE

One of the first recorded declarations of human rights was made by the Islamic prophet Muhammad in the Constitution of Medina nearly 1,400 years ago (Figure 1.4). The Constitution was based on the idea that freedom, justice and equality are important principles that everyone should adopt. Sixty-three different articles set out the political rights and privileges the new Muslim state would provide for all its citizens, including non-Muslims, in return for duties. One of the Constitution's most important articles protected all citizens' religious freedom and practices.

Figure 1.4 The Constitution of Medina was the world's first declaration of human rights



### Website

For a clear and detailed commentary on the Constitution of Medina, which includes interesting details of the historical background and an evaluation of the Constitution's significance, visit: <http://www.constitutionofmadina.com>

## The United Nations Declaration of Human Rights 1948

Today the most widely used human rights declaration is the Universal Declaration of Human Rights agreed by the **United Nations**. This sets out the individual rights and freedoms that all governments have a duty to protect and promote. Among the most important rights and freedoms are the rights to life, liberty and security, and the freedom from slavery, torture and unlawful imprisonment. (See page 10 for more details of the United Nations Declaration of Human Rights.)

The Universal Declaration also safeguards important political rights to enable all citizens to: elect a government, express their opinions freely and to set up their own groups to protect or promote their interests.

**Figure 1.5** The United Nations enables all nations to work together promoting human rights



**United Nations (UN)** The UN is an international organisation founded in 1945. It is currently made up of 193 member states. The UN provides a forum for member states to express their views, find areas of agreement and solve problems together. The UN takes action on any issues confronting humanity. (See Chapter 12 for more details.)

### Website

For the complete text of The Universal Declaration of Human Rights go to: <http://www.un.org/en/documents/udhr/>

## Human rights laws in the United Kingdom

Since 1948, most governments have passed their own national laws to safeguard the rights and freedoms of citizens. Such laws are based on the Universal Declaration of Human Rights. For example, the UK Government referred to the Universal Declaration and to the European Convention on Human Rights when drafting the Human Rights Bill which became law in 1998. In common with similar laws in other countries, the Human Rights Act secures rights for all people. In the UK, this was reinforced by the Equalities Act of 2010. This safeguarded equalities and outlawed discrimination based on a list of '**protected characteristics**' (see Chapter 2 for more details).

**Protected characteristics** Particular groups of people are covered against discrimination by the provisions of the Equality Act 2010. The nine characteristics or attributes protected by the Act are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief; sex and sexual orientation.

## Understanding legal rights and duties

As we have seen already, governments make laws to safeguard people's rights and to regulate people's duties. As well as having laws to protect key rights linked to citizens' lives and property, governments of **More Economically Developed Countries (MEDCs)** also usually have complex laws to regulate such matters as relationships between businesses and consumers. In the United Kingdom, for example, the Consumer Rights Act (2015) regulates the relationship between traders and consumers. Traders have a legal duty to make sure that items for sale match their description and are of reasonable quality.

Consumers have a legal right to compensation if an item they have bought is faulty.

**More Economically Developed Countries (MEDCs)** Countries with a high standard of living, usually in the northern hemisphere. Most citizens of MEDCs work in advanced manufacturing, technology or services.

## Activities

- As preparation for the next section, imagine that you have discovered a new land where no one has lived before and where there are no laws or rules.
  - List four rights that should be guaranteed for *everyone* in this new country.
  - Discuss your choices and reasoning with other learners.
  - Add further rights to your list following these discussions. (Sort the rights into groups, if possible, and prioritise your list so the most important rights are at the top.)
  - Describe the steps your new government should take to protect and promote these rights for all citizens.
  - Save your list and assess how close you got to reality as you study the chapter sections that follow.
- Test your understanding of the ideas in this section by matching each term with the correct definition.

Term	Definition
Human rights	Attributes that must not be the cause of discrimination in British law
Constitution of Medina	An international statement of rights and freedoms
Universal Declaration of Human Rights	Sixty-three different articles setting out political rights and privileges
Protected characteristics	Important entitlements that apply to everyone

- Study the information on pages 3 and 4. State at least three different reasons why it is important for governments to protect and promote human rights, freedoms and equalities.

## Age-related rights and responsibilities

### Key learning

Study the age of criminal responsibility and other legal ages when young people become legally entitled to do such things as drive, marry, vote or join the armed forces. Understand and evaluate the justifications for such age laws.

### When can you ...? (Age laws in England and Wales)

**What is the age of criminal responsibility and when should it start?**

The UN Convention on the Rights of the Child defines a child as everyone under 18 unless, 'under the law applicable to the child, majority is attained earlier'. Although the Government supports this convention, UK laws set different age limits for matters such as child protection, consent to sexual intercourse and criminal responsibility.

The UN Convention allows countries to decide different ages at which young people should qualify for particular rights and duties. Governments disagree about the age at which people should become responsible for their actions. For England, Wales and Northern Ireland, governments have decided that young people are likely to know the difference between right and wrong by

the time they are ten. Ten-year-olds are thought to be capable of committing a crime, and old enough to stand trial and be convicted. Children under ten who break the law regularly can sometimes be taken into care, and their parents can be held responsible for their children's criminal offences. The Scottish Government has decided that children should be twelve years old before they are held responsible for any crimes they commit.

Table 1.1 shows the wide variation in the age of criminal responsibility across the world. This reflects a lack of international agreement. Countries with low ages of criminal responsibility may be giving greater priority to crime victims' rights than to the best interests of offending children.

There is considerable pressure for the age of criminal responsibility in England, Wales and Northern Ireland to be twelve, as it is in Scotland, or even fourteen. The UN supports such a change as do pressure groups such as the Howard League for Penal Reform and the Children's Society but, in 2013, a Private Members' Bill to raise the age of criminal responsibility ran out of debating time in the House of Lords. The Conservative Government, elected in 2015, had no plans to make any changes.

**Figure 1.6** Do ten-year-olds always know the difference between right and wrong?

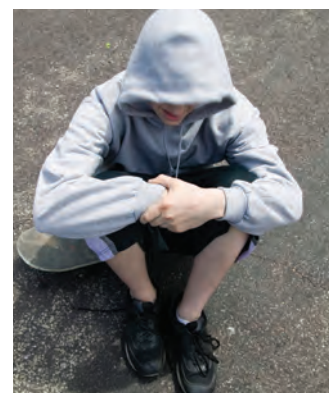


Table 1.1 Age of criminal responsibility by country

Age	Country
7	India
7	Nigeria
8	Indonesia
8	Kenya
9	Philippines
10	England, Wales and Northern Ireland
10	Ukraine
11	Turkey
12	Morocco
12	Scotland
13	France
13	Poland
14	China
14	Germany
15	Egypt
16	Argentina
18	Brazil
18	Peru

## Website

This official parliamentary research briefing provides politicians and members of the public with a summary of the case for increasing the age of criminal responsibility and a statement of the Government's position: <http://researchbriefings.files.parliament.uk/documents/SN03001/SN03001.pdf>

## Activities

- Use the information from Figure 1.7 on the next page to help you, design an age laws quiz for younger learners to find out:
  - What they **know** about what young people **can** do at certain ages
  - What they **think** about the age at which young people **should** be able to do these things.

An age laws quiz might have a similar format to the example below.

Legal rights	At what age do you have this legal right?	At what age should you have this legal right?
Work up to five hours on a Saturday between 7.00 a.m. and 7.00 p.m.		
Buy a pet		
Leave education and training		
Give consent to medical, dental and surgical treatment		

(You can change the examples above and should add some more. Using more than ten examples will make analysis difficult unless you are working in a team.)

- Analyse the results of your research.
  - Which age laws were well known by younger learners?
  - Which age laws were less well known?
  - Which age laws would the young learners be most and least likely to want to change?

## Some arguments used in the debate on the age of criminal responsibility

### Leave it at 10

- Ten-year-olds know the difference between bad behaviour and serious wrongdoing and so should be held responsible for what they do.
- Raising the age of criminal responsibility would send the wrong message to young people who would be more likely to break the law if they thought they would get away with it.
- The law can deal with young people in a way that is sensitive to their age and the seriousness of their crime. Until the age of eighteen, young people are usually dealt with by the youth courts and they are not normally placed in adult prisons.

### Increase it to 12 or 14

- Ten-year-olds are often unclear about the difference between right and wrong, and have little knowledge about what is legal or illegal. In other areas of English law, children are not thought able to make sensible decisions until much later in life – whether it involves buying a pet, smoking, drinking, getting a job or marrying.
- In May 2013, the UN Committee Against Torture recommended that the UK should raise its minimum age of criminal responsibility.
- The age of criminal responsibility in England, Wales and Northern Ireland is the lowest in the European Union.

## When should people be able to vote, buy a pet, get married, join the army ...?

At what age should citizens be able to enjoy their rights and freedoms? That's a question that has caused many disagreements in the past and continues to do so today. Figure 1.7 shows some of the age laws for England and Wales in 2016.

Age laws are altered by Parliament according to politicians' changing views about young people's levels of responsibility and the amount of protection they

### Website

YouthNet UK's guide to life for young people contains a clear summary of age-related rights: <http://www.thesite.org/crime-and-safety/your-rights/what-age-can-i-9102.html>

might need. Where changes have been made, age limits have usually increased. For example: the legal age at which a person can buy an animal was raised from twelve to sixteen by the Animal Welfare Act (2006).

**Figure 1.7** Age laws for England and Wales in 2016

#### 14+

- Have a part time job, for a maximum of two hours on school days and Sundays, and up to five hours on a Saturday. (No work allowed before 7am and after 7pm. Work in school holidays is allowed for five hours a day from Monday to Saturday.)
- Go into a bar and order soft drinks.
- Be personally responsible for wearing a car seatbelt.
- Use internet services, social media and apps without parental consent (from age 13).

#### 15+

- Work up to eight hours on a Saturday. (All other working rights are the same as a fourteen-year-old.)
- View, rent or buy a 15 rated film.

#### 16+

- Give personal consent to medical, dental and surgical treatment. (This includes contraceptive advice and treatment.) Choose a doctor.
- Access free full-time further education (at school, sixth form college and city technology college) or job-related training until the age of 18.
- Have sex, gay or straight, if a partner is also 16+, but someone in a position of trust, such as a teacher, is committing an offence if they have sex with someone under 18.
- Apply for legal aid.
- Drink a beer, wine, or cider with a meal in a pub or restaurant if accompanied by an adult.
- Ride a moped, fly a glider, drive an invalid vehicle and use a mowing machine.
- Move out of the family home with parental permission.
- Apply for a passport, and buy lottery tickets and premium bonds.

- Buy a pet.
- Get married or join the armed forces (with parental consent).

#### 17+

- Drive most types of vehicle.
- Apply for a private pilot's licence.
- Become a blood donor.

#### 18+

- Vote in local and general elections.
- Stand for election as a Member of Parliament, local councillor or Mayor.
- Serve on a jury.
- See their original birth certificate if they were adopted.
- Make a will.
- Get married without parental permission.
- View, rent or buy an 18 rated film.
- Buy fireworks and cigarettes, place a bet in a betting shop/casino and have a tattoo.
- Open a personal bank account.
- Buy an alcoholic drink in a pub or a bar.

#### 21+

- Apply to adopt a child.
- Supervise a learner driver if they have had a driving licence for the same type of vehicle for three years.
- Apply for a commercial pilot's licence.
- Drive heavy lorries and buses.

### Activity

3. Explain which five age laws you would change. Give your reasons. Compare your views with other learners in your group or class. Produce an oral or written report on the agreements and disagreements from your discussion.

The minimum age for buying fireworks went up from sixteen to eighteen in 1997 as did the legal age for buying cigarettes (2007).

In contrast, the voting age has decreased. Eighteen-year-olds in the UK were given the right to vote in 1969 (down from twenty-one) and a further reduction to sixteen has now been made in Scotland but not in England, Wales and Northern Ireland.

### Website

Votes at 16 is a well-established pressure group seeking a reduction in the voting age. Their site contains arguments in favour of votes at sixteen, and latest news and views: <http://www.votesat16.org/>

**Figure 1.8** Scottish school students ready to vote in the 2015 referendum to decide whether Scotland should become an independent country



### Some of the arguments for and against allowing sixteen-year-olds to vote in England

Sixteen-year-olds pay taxes, can work and marry, and are able to join the army. If they can do these things at sixteen, they should also be able to vote.



Sixteen-year-olds took their voting seriously in the 2015 Scottish Referendum.



Sixteen-year-olds are better educated about citizenship than ever before.



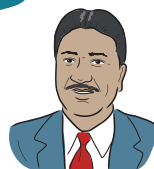
Eighteen-year-olds have much more complex adult rights and duties. Sixteen-year-olds do not. They need parental permission to do such things as to marry and join the army.



Most sixteen-year-olds live at home and attend school. They lack the life experience to make voting decisions and will be too easily influenced by parents and friends.



Many sixteen-year-olds lack the maturity to take citizenship seriously because real responsibility is still too far away for them.



## Activities

4. Age laws usually refer to the youngest age at which people gain particular rights. However, there are maximum age limits for joining the armed forces and serving on a jury.  
Find out how these maximum age limits are justified. Explain whether or not you agree with such limits.  
Explain whether or not you think there should also be maximum ages for some other activities.
  - a) Which other activities (if any) should have a maximum age limit?
  - b) What would be the likely advantages and disadvantages of such maximum age limits?
- c) Would it be necessary to change the Human Rights Act or Equalities Act to allow for maximum age laws? (Consider human rights, freedoms and equalities including the protected characteristics in the 2010 Equalities Act.)
- d) How likely is it that there would be protests and would more maximum age laws be likely to make a government unpopular?
5. Use pages 5 to 8 and your own research to describe the arguments for and against changes to **either** the right to vote **or** the age of criminal responsibility. Advocate your own position using key points and supporting evidence to add weight to your case.

## The Magna Carta of 1215 – why is it so important?

### Key learning

Study the background to Magna Carta and its main provisions. Understand the significance of the Magna Carta in the development of rights.

## What is the Magna Carta and why was it needed?

'Magna Carta' is Latin and means 'Great Charter'. It was an agreement between King John and the English barons signed in June 1215. Barons were wealthy men who had been granted land by the King in return for their support and loyalty.

In 1214, King John's army had been beaten by the French. The barons had already made a large contribution to the army's costs and some had fought in France – but now they would get nothing in return for supporting the King. When John demanded more taxes, the barons rebelled against the King's power and captured London. By the spring of 1215 the two sides were ready to make peace and the Magna Carta was the result. A new and clearer set of principles was agreed for the relationship between the King and his people. The King promised to deal with the English people according to the laws recognised at the time rather than to act as he wanted.

## What did the Magna Carta say and why is it still important today?

The Magna Carta has sixty-three clauses, most of which address particular complaints about King John's rule. However, two clauses in particular have remained important over the last eight hundred years. The Magna Carta stated that everybody, including kings and queens, should be subject to the law. This principle, now known as the **Rule of Law**, remains a key feature of modern English law. It helps to safeguard citizens against the abuse of power by powerful people.

The Magna Carta's core principles are at the heart of the United States Bill of Rights (1791) and influenced both the Universal Declaration of Human Rights (1948) and the European Convention on Human Rights (1950).

### Magna Carta clauses 39 and 40 gave all 'free men' the right to justice and a fair trial.

'No free man shall be seized or imprisoned, or stripped of his rights or possessions, or outlawed or exiled, or deprived of his standing in any other way, nor will we (the King) proceed with force against him, or send others to do so, except by the lawful judgment of his equals or by the law of the land.'

Clause 39

'We will not sell, or deny, or delay right or justice to anyone.'

Clause 40

**Rule of Law** Everyone has to obey the law. This applies to politicians, the police and judges as well as to ordinary citizens. If anyone breaks the law, they must expect to be made accountable for their actions and be punished in the same way as everyone else.

## Websites

The British Library has a clear, detailed and reliable account of the background to the Magna Carta, and its short-term and long-term significance:

<http://www.bl.uk/magna-carta>

See also: *The importance of the Magna Carta* – a short video summary by the BBC of the Magna Carta's significance for rights and freedoms across the world: <http://www.bbc.co.uk/news/uk-11745856>

## Activities

1. The most famous clauses in the Magna Carta are clauses 39 and 40. Re-write each of these clauses to make their meaning clear to a twenty-first-century learner in Year 7.
2. Analyse the Universal Declaration of Human Rights (1948) and the European Convention on Human Rights (1950). Identify the sections in these documents that contain principles similar to those in clauses 39 and 40 of the Magna Carta.
3. Watch a short video on *The importance of the Magna Carta*. Using evidence from the video evaluate the viewpoint that “*The Magna Carta is an interesting historical document but has no relevance for the modern world*” (maximum 200 words). <http://www.bbc.co.uk/news/uk-11745856>

# Human rights today

## Key learning

Study the main provisions of: the UN Universal Declaration on Human Rights; the European Convention on Human Rights; the United Nations Convention on the Rights of the Child and the 1998 Human Rights Act. Understand their importance in protecting rights, equalities and freedoms. Evaluate the actions of governments across the world in protecting rights, equalities and freedoms.

Human rights declarations and conventions have all built upon the Magna Carta's key principle that laws should be fair and must apply equally to everyone.

The basis of human rights is respect for each person's life and dignity. Human rights do not have to be bought, earned or inherited. They belong to all of us simply because we are human. Each of us has the responsibility to protect and promote human rights for everyone.

Over 80 million people were killed and many others became **refugees** during the Second World War (1939–45). As a result, world leaders were determined to prevent further conflict. They also agreed that people's rights should be safeguarded in whichever country they lived. The United Nations was founded in 1945 to promote cooperation between nations.

## Universal Declaration of Human Rights 1948

One of the United Nations' first tasks after the Second World War was to draw up a Universal Declaration of Human Rights. This set out the basic human rights, equalities and freedoms to which everyone should be entitled. While the UN doesn't have the power to make governments turn its declarations into law, the 1948 Declaration does help us to evaluate the human rights record of every government across the world.

Article 1 of the Declaration states that:

‘All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.’

The other 29 Articles from the Declaration include:

- Everyone has a right to life, liberty and security. (Article 2)
- No one shall be subject to torture or degrading treatment or punishment. (Article 5)
- All are equal before the law. (Article 7)
- Everyone has a right to seek and enjoy **asylum** from persecution in other countries. (Article 14)
- Marriage shall be entered into only with the free and full consent of the intending spouses. (Article 16)
- Everyone has the right to freedom of opinion and expression. (Article 19)
- Everyone has a right to education. (Article 26)

**Refugee** Someone who seeks protection in another country because of danger or discrimination at home.

**Asylum** Protection provided by a state for someone who has had to leave their own country as a political refugee.

## The United Nations Convention on the Rights of the Child 1990

In 1989, world leaders decided that children needed their own special convention. It was agreed that people under eighteen-years-old often need special care and protection that adults do not. The result was the United Nations Convention on the Rights of the Child.

The Convention encourages world governments to see children as human beings with distinct and special rights to: health and care, protection, participation in their society, and education and play.

To date, 194 countries have signed up to the Convention and are bound to it by international law. Every five years, governments provide the United Nations with a report on how effectively they are upholding the rights contained in the Convention. The UN Committee on the Rights of the Child monitors progress and holds governments to account if children's rights are under threat. However, the UN Committee does not have the power to punish governments for making poor progress.

### The right to life, health and care

- Every child has the right to life.
- All children have a right to good health and good quality health care. All children should have clean water, nutritious food and a clean environment so they stay healthy. Governments should help families who cannot afford to provide a decent standard of living for their children.
- Children who are disabled, either mentally or physically, have a right to special care and education so they can lead full and independent lives.
- Children should not be separated from their parents unless it is for their own good.
- If parents decide to live apart, children have the right to stay in contact with both parents.
- Families who live in different countries have the right to get back together and live in the same place.

**Figure 1.9** Every child has the right to life, health and care. A health worker vaccinates a child against measles at the Binkolo community health centre in Sierra Leone



### The right to protection

- Governments should protect all children from violence, abuse and neglect.
- Children under the age of sixteen should not take a direct part in any war or conflict.
- Children who are refugees or asylum seekers have the right to special protection and have the same rights as children who were born in that country.
- Children should not be allowed to do work that is dangerous, might make them ill, or stops them going to school.
- Children have a right to be protected from dangerous drugs, and from the business of making or selling drugs.
- No child should be punished in a way that humiliates or hurts them.

**Figure 1.10** Children who are refugees have the right to special protection. Eight-year-old Fatima and her family were refugees from civil war in Syria. Many Syrians fled to neighbouring Lebanon where some have been taken in by Lebanese families to share their homes



### The right to participate and freedom of expression

All children have the right to:

- give their opinion when adults are making a decision that will affect them, and adults should take the child's opinion seriously
- find out things, and say what they think through speaking, writing, drawing, etc., unless it interferes with other people's rights
- think and believe what they want, and to practise their religion
- meet, make friends with, and join clubs with other children
- privacy
- information from TV, radio, newspapers and the internet. (These media should provide information that children can understand.)

### The right to education and play

- All children have the right to an education which should:
  - develop their personality, talents and mental and physical abilities
  - encourage respect for parents, and their own and other cultures
  - prepare them to live responsibly and peacefully in a free society
  - encourage respect for the natural environment.
- All children have the right to relax and play, and to join a wide range of activities.

## Activities

1. Study the summaries of children's rights from The United Nations Convention on the Rights of the Child on pages 11 and 12. Select rights that seem most urgent for children in the United Kingdom today. Explain your choices and describe any rights that you think should be added to the Convention.
2. Study the measures taken by the UK Government to improve children's online safety. Use information from this section and from the Online Safety Act 2016 to help you. List any additional measures you think the Government should take.
3. Analyse the Universal Declaration of Human Rights or the UN Convention on the Rights of the Child.
  - a) Describe the duties all countries have towards refugees from war and conflict.
  - b) Apply your knowledge to evaluate how far European countries have met their obligations to recent refugees from countries such as Syria, Iraq and Libya.
4. Design a presentation for younger learners to help them know about and understand the Universal Declaration of Human Rights or the UN Convention on the Rights of the Child. Ask for their ideas on how to build a better 'human rights culture' in your school and present these ideas to your head teacher or principal.

## Website

The United Nations Children's Fund's site includes a full copy of the Convention together with news of international and national programmes to extend children's rights: <http://www.unicef.org/crc/>

## CASE STUDY

### Government acts to ensure children's rights are protected in the UK

Every five years the UK Government reviews its performance on children's rights against the articles in the UN Convention on the Rights of the Child. Part of the 2014 review considered the effect of widespread internet use for young people's rights and their safety.

The review found that there were around 50,000 UK adults involved in the downloading or sharing of indecent images of children. 4,500 reports of a child being bullied online had been received and 473,000 six to seventeen-year-olds were found to be visiting an adult website each month.

As a signatory to the Convention, the Government had a legal duty to respond to:

Article 17—States shall recognise the importance of mass media, and shall ensure access to material from a diverse range of national and international sources. However, State Parties shall also 'encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being.'

Article 34—States shall take all appropriate measures to protect children from sexual exploitation and sexual abuse, including involvement in sexual practices and in pornographic materials.

Although the Government had already taken steps to improve young people's online safety, in 2015 they placed the Online Safety Bill before Parliament for debate. This required internet service providers to improve children's online safety and became law through an Act of Parliament in 2016.

Figure 1.11 UK children are vulnerable to adult exploitation on the internet





## The European Convention on Human Rights (ECHR) 1950

The **Council of Europe** built on the Universal Declaration of Human Rights to produce the European Convention on Human Rights (ECHR) in 1950.

### Article 1

#### Introduction

This states that all countries signing up to the Convention have a duty to ensure that everyone within their borders has the following rights and freedoms.

### Article 2

#### Right to life

Everyone has the right to have their life protected by law. Taking a life is acceptable only when it is absolutely necessary, for example in self-defence or to protect the life of someone else.

### Article 3

#### Prohibition of torture

Everyone has the right not to be tortured or suffer inhuman or degrading punishment.

### Article 4

#### Prohibition of slavery and forced labour

No one shall be held in slavery or be required to perform forced labour. This right does not apply to work related to military, prison or community service.

### Article 5

#### Right to liberty and security

Everyone has the right not to be detained and deprived of their liberty, unless it is within the law and the correct legal procedures are followed. Everyone who is arrested shall be informed of the reason for the arrest in a language they can understand.

### Article 6

#### Right to a fair trial

Everyone has the right to a fair trial within a reasonable period of time. Everyone charged with a criminal offence shall be presumed innocent until proved guilty.

### Article 7

#### No punishment without law

No one should be found guilty of an offence that was not a crime at the time it took place; nor should they receive a heavier punishment than was applicable when the offence was committed.

### Article 8

#### Right to respect for a person's private and family life

Everyone has the right to respect for their private and family life, their home, and their correspondence; although this right may be interfered with in certain circumstances, for example in the prevention of crime.

### Article 9

#### Freedom of thought, conscience and religion

Everyone is free to hold whatever views and beliefs they wish – but their right to express or display these beliefs can be restricted in certain circumstances.

### Article 10

#### Freedom of expression

Everyone has the freedom to express their opinion – but this may be limited for certain reasons, such as for the protection of public safety or the rights of others.

**Article 11****Freedom of assembly and association**

Everyone has the right to get together with other people in a peaceful way; this includes the right to form and join a trade union. No restrictions can be placed on this, unless it is for reasons laid down in law – such as national security or public safety.

**Article 12****Right to marry**

Men and women have the right to marry and have a family – but are bound by the laws covering whom people may or may not marry and where marriage may take place.

**Article 13****A legal remedy**

All states signing this Convention must provide an effective way for people to challenge public bodies or officials whom they believe have unlawfully deprived them of their rights or freedoms under this Convention.

**Article 14****Prohibition of discrimination**

Everyone is entitled to the rights and freedoms set out in the Convention without discrimination on any grounds, such as sex, race, colour, language, religion, political opinion, national or social origin, birth or other status.

**Council of Europe** An organisation of forty-seven European states, founded in 1949, which protects human rights through international agreement. All members of the Council of Europe have signed up to the European Convention on Human Rights. The Council of Europe should not be confused with the European Council, which is a policy-making body of the European Union (EU). (See Chapter 12 for more details.)

*Rights to the freedoms in articles 8–11 may be restricted, where necessary, for reasons such as public safety, protecting the rights of others or preventing crimes.*

*The following protocols have been added to the Convention since it was first agreed in 1950.*

**Protocol 1 Article 1****Protection of property**

No one shall be deprived of their possessions, except in very limited circumstances. These allow, for example, the State to take money for the payment of taxes or confiscate goods which are unlawful or pose some kind of danger.

**Article 2****Right to education**

No one shall be denied the right to education. The State must respect the rights of parents to ensure that their child's education follows their own religious and philosophical beliefs.

**Article 3****Right to free elections**

Elections for government must be free and fair and must take place by secret ballot.

**Protocol 6 Articles 1 & 2****Abolition of the death penalty**

No one shall be condemned to death or executed. However, a state may make provision for the death penalty in its law at times of war or imminent threat of war.

## Website

Find a copy of The European Convention on Human Rights here: [http://www.echr.coe.int/Documents/Convention\\_ENG.pdf](http://www.echr.coe.int/Documents/Convention_ENG.pdf)

The ECHR gives European citizens the following legal rights:

- life, liberty and security of the person
- to marry and have a family
- a fair trial in civil and criminal matters
- the right of appeal in criminal matters
- to vote and be a candidate in elections (subject to national age laws)
- freedom of thought, conscience and religion
- education
- freedom of expression
- freedom of movement
- freedom of assembly and association
- property or peaceful enjoyment of possessions.

The following are prohibited:

- torture and inhuman or degrading treatment or punishment
- the death penalty
- slavery and forced labour
- discrimination in the enjoyment of rights included in the ECHR
- expelling citizens of the country or preventing them from returning after travel overseas.

European citizens can appeal to the **European Court of Human Rights (ECtHR)** if they feel that laws in their own country have not protected their rights, discriminated against them or failed to safeguard their personal freedom.

People complaining that their rights have been ignored by their government have brought a wide range of cases to the ECtHR. These include:

- torture and ill treatment of prisoners
- discrimination against gay people
- lack of a fair trial within a reasonable time
- telephone tapping
- parents' rights when children are taken into care.

Governments have been required to take action following ECtHR judgements. For example:

- Turkey cut the maximum duration of police custody.
- Holland changed its law on the detention of patients with mental illnesses.
- Belgium changed its laws on homeless people.
- The UK banned the physical punishment of children by their teachers.

**European Court of Human Rights (ECtHR)** A court based in Strasbourg (France) which decides on cases in which it is claimed there has been a breach of the European Convention on Human Rights. The Council of Europe's member governments must accept the decisions of the court.

## The Human Rights Act 1998

By passing the Human Rights Bill, the UK Parliament brought nearly all the rights from the European Convention on Human Rights into UK law. All public bodies such as the police, schools, hospitals and armed forces must make sure they respect the rights contained in the Human Rights Act. If they do not, they can be taken to court.

## Website

The Equality and Human Rights Commission's guide to the Human Rights Act is detailed but clear. A full copy of the Act is available at: <http://www.equalityhumanrights.com/your-rights/human-rights/what-are-human-rights/human-rights-act>

## Activities

- Evaluate the viewpoint that – ‘*We shouldn’t protect the human rights of criminals because they have broken the law.*’ (This could be debated in class.)
- Study the ECHR summary on pages 14 to 15 (You may also wish to refer to a full version of the Convention at [http://www.echr.coe.int/Documents/Convention\\_ENG.pdf](http://www.echr.coe.int/Documents/Convention_ENG.pdf))
  - Select six rights or prohibitions which you think are most important to you as a young person and arrange these in priority order.
  - Justify your selection to other learners and review your decisions in the light of their comments.
  - Finalise your list and explain your choices.
- Compare the ECHR with the Universal Declaration of Human Rights.
  - Record any differences in what they say and how they work.
  - Check this with your teacher.
  - Evaluate the viewpoint that – ‘*We don’t need the ECHR as we already have the Universal Declaration of Human Rights.*’
- In 2014 the ECtHR ruled that the UK’s ban on prisoners being able to vote was unlawful.
  - Research this case.
  - Describe what happened.
  - Explain why the ECtHR ruled that the UK’s ban on prisoners voting was unlawful.
  - Describe the UK Government’s reaction.
  - State and explain your own views on this case.
- Research a recent case of a human rights abuse. (You will be able to find examples on the Human Rights Watch website <http://www.hrw.org/>. Human Rights Watch is a pressure group that draws attention to human rights issues.)
  - Describe what’s been happening.
  - Explain which human rights are being abused.
  - Describe any action by pressure groups, political parties or international organisations to stop the abuse.
  - State and explain what you think is likely to happen next.

## The Human Rights Act – frequently asked questions

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Q Does the Human Rights Act give people total freedom to do what they like?</p> <p>A No. People can only enjoy their rights as long they do not restrict other people’s freedoms. People have freedom of speech but must not encourage racial or religious hatred. If they do this, the police can take action against them.</p> <p>Q If we have the Human Rights Act, is there any point in having other laws?</p> <p>A The Human Rights Act provides a framework for many of our laws, but it is still up to Parliament to decide what should happen within this framework. The Human Rights Act states that all people should have the right to vote but it does not fix a particular voting age. It is up to each country’s Parliament to decide.</p> <p>Q Does everyone have a right to freedom?</p> <p>A No. There are rules to allow freedom to be taken away from: criminals; people who may be planning to commit a criminal offence; people with infectious diseases and people trying to enter a country illegally.</p> | <p>Q If we have the Human Rights Act, why is there still heated debate about issues such as abortion and euthanasia?</p> <p>A Sometimes rights clash. The right to life may clash with people’s right to make choices. There are also debates about when life starts and when it stops. Abortions are not usually allowed after the 24th week of pregnancy in the UK because life is said to have started at that point. Euthanasia is illegal in the UK but legal in countries such as Switzerland and Australia.</p> <p>Q Why do some MPs want to replace the Human Rights Act with a British Bill of Rights?</p> <p>A Some MPs disapprove of the Human Rights Act being tied so closely to the European Convention on Human Rights. This allows the European Court of Human Rights to overrule the British Government on issues such as the right of prisoners to vote and the removal of terrorist suspects. A British Bill of Rights would make it more likely that the European Court of Human Rights would take account of decisions made in the UK Parliament.</p> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## How effective are the Universal Declaration of Human Rights and ECHR at protecting human rights?

The United Nations' Universal Declaration of Human Rights and the ECHR have had a considerable influence on law across the world, in Europe and in the United Kingdom. People's rights enjoy a high level of protection as a result.

Unfortunately, there are many examples of people's rights being violated.

- Freedom of expression and democratic rights are restricted in China.
- There is widespread use of the death penalty outside Europe.
- Gay people are discriminated against in Russia.
- In 2014, the Syrian government was found to be causing civilian casualties by using chemical weapons near people's homes.

In the UK, there are claims that people's human rights are restricted unreasonably because of governments fear of terrorism. Liberty, the human rights **pressure group**, continues to raise particular concerns about UK anti-terrorism law. The Government argues that it is necessary and reasonable to prevent terrorism by having laws that restrict some people's freedom and permit the checking of phone and internet records.

**Pressure group** a group of people who share similar views on an issue and who advocate their case to elected representatives.

Figure 1.12 Protest in favour of more democratic rights. Hong Kong, China



### Liberty's statement on anti-terrorism law and human rights

Human rights law requires the State to take steps to protect the right to life – which includes measures to prevent terrorism.

However, any measures taken against terrorism must be reasonable and not undermine our democratic values.

Yet, all too often, the risk of terrorism has been used as the basis for eroding our human rights and civil liberties:

- After the terrorist attack on New York's World Trade Center in 2001, emergency laws were passed to detain foreign nationals who were suspected of being terrorists. They could be detained for an unlimited period at a maximum security prison despite never being charged with any offence.
- To fit in with human rights law, indefinite detention was scrapped in 2005. In 2015, suspected terrorists could be placed under close supervision while remaining at home.
- Rights to free speech have been restricted and non-violent groups have been outlawed.
- The police, immigration officers or customs officers have powers to stop, search and hold individuals at ports, airports and international rail stations. They do not need any reason to suspect the person has any involvement in terrorism – or any other criminal activity. Anyone can be stopped but these powers are invariably used in a discriminatory fashion, with stops based on stereotype rather than genuine suspicion.
- Most recently, the Government has passed the Counter-Terrorism and Security Act 2015, which again contains a raft of proposals as unsafe as they are unfair – including powers to:
  - take away people's passports
  - exclude people from the UK
  - track and store data on people's conversations, contacts and movements.
- We believe that terrorism can, and must, be fought within the rule of law and the human rights framework. Repression and injustice, and the criminalisation of non-violent speech and protest, make us less safe; not more. They also undermine the values that separate us from the terrorist – the very values we should be fighting to protect.

(Adapted from 'Countering terrorism', Liberty: [www.liberty-human-rights.org.uk/human-rights/countering-terrorism](http://www.liberty-human-rights.org.uk/human-rights/countering-terrorism))

**Figure 1.13** Fear of terrorism has led to support for restrictions on freedom throughout the world



There are countries across the world where human rights have much less priority than in the UK. A pressure group, Amnesty, was founded in 1961 to highlight human rights abuses worldwide. Amnesty was founded by lawyer Peter Benenson, after he read about two Portuguese students who had been sentenced to seven years in prison for raising their glasses in a toast to freedom.

Amnesty remains an active pressure group with thousands of supporters, many of whom take action to help protect human rights. They do this in the following ways:

- writing letters and sending e-mails to leading politicians in protest about unfair treatment of individuals
- publicising the cases of people who have been unfairly imprisoned
- organising protests against particular governments
- persuading people not to go on holiday to or trade with the countries where human rights are restricted.

Amnesty's work has shown that human rights violation is a widespread problem.

### Activities

10. Take either the Government's or Liberty's position on the anti-terrorism debate. Using information from page 18 and your own research, list the main points for your chosen side of this argument. Debate your position with someone who has the alternative view. Decide whether there is any possibility of compromise and describe what compromises could be made.
11. Study Amnesty's logo. Using the information on Amnesty's website to help you <http://www.amnesty.org.uk/>, explain the links between the logo's design and the pressure group's aims.
12. Using information from Amnesty's website <http://www.amnesty.org.uk/>, describe the methods used by Amnesty to persuade governments to improve human rights. Evaluate how far these methods have been successful.

## The right to representation

### Key learning

Study and understand the right to representation including the role and history of trade unions and employers' associations. Evaluate the effectiveness of these organisations in supporting and representing their members.

### Legal representation

People often find it difficult to stand up for their own rights. This may be as a result of lack of knowledge or experience, low levels of confidence, or a feeling that fighting an injustice could lead to further trouble. This can be a particular problem for vulnerable groups such as children, the elderly or disabled people.

Since 1836, defendants have been entitled to legal representation in British courts. Young people under sixteen should normally have a parent or other 'appropriate adult' with them if interviewed by the police. Vulnerable adults are entitled to 'appropriate adult' support too.

All people arrested by the police have the right to legal advice and representation. Relying on the advice and support of a representative able to speak on their behalf makes it more likely that people will receive a fair trial in line with Article 6 of the Human Rights Act.

**Figure 1.14** Young people under 16 have the right to adult support if arrested



However, in 2015, a government report showed that people arrested by the police were often not getting the support to which they were legally entitled.

### Activities

1. Study the information on the report, There to Help in the next column. Explain why it is important for young people or those from vulnerable groups to get the support of an 'appropriate adult' when arrested. (Try to include at least three reasons in your explanation.)
2. Explain why the Home Secretary was concerned about what the report had revealed. Use the term 'justice' in your answer.

### Website

Find the executive summary of NAAN's report, There to Help, at: [http://www.appropriateadult.org.uk/images/pdf/2015\\_theretohelp\\_summary.pdf](http://www.appropriateadult.org.uk/images/pdf/2015_theretohelp_summary.pdf)

Go to NAAN's website to view TV news coverage of the report's launch in March 2015: <http://www.appropriateadult.org.uk/index.php/news/9-public-articles/154-theretohelp>

### Vulnerable people in police custody left without support says charity's report

There was widespread concern in March 2015 when the charity, National Appropriate Adult Network (NAAN), reported that up to a quarter of a million mentally ill adults were not being supported by an 'appropriate adult' while in police custody.

'Appropriate adults' are trained volunteers who can support vulnerable people arrested by the police by helping with basic communication with welfare, and offering advice on legal rights and welfare. The police first used 'appropriate adult' schemes in the 1980s following numerous miscarriages of justice involving vulnerable people. Everyone working in the legal and justice system agree that mentally ill people and those with learning disabilities, disabling brain injuries or autistic spectrum disorders find police custody particularly confusing, disturbing and frightening. There is very widespread agreement that justice may not be achieved for vulnerable adults unless they are supported by a trained person used to dealing with police procedures.

NAAN's report revealed that there were no active 'appropriate adult' schemes in some parts of the UK. Even where schemes existed, police reported that it was difficult to get hold of suitable volunteers to support vulnerable adults at weekends or at night – just those times when support was most needed. Moreover, one in every three police sergeants surveyed for the report had received no training to help them decide if an arrested person was 'vulnerable' and in need of independent support. In the most extreme cases, police officers admitted asking untrained adults to help out just so a police interview could go ahead.

The NAAN report, There to Help, used the police's own data to show that 'appropriate adults' were being used in only around 45,000 police detentions and voluntary interviews despite there being around 280,000 such events involving mentally vulnerable adults.

Home Secretary, Theresa May, agreed that the report's revelations were of considerable concern and promised to study its recommendations carefully.

### Website

This official UK Government website sets out the latest details of people's rights when arrested by the police: <https://www.gov.uk/arrested-your-rights>

### The development of trade unions in the UK

Between the late-eighteenth and mid-nineteenth centuries, Britain changed from a society where most people worked on the land and lived in the countryside to a nation where the majority worked in factories and lived in rapidly expanding towns.

This process of industrialisation (often known as 'the industrial revolution') was made possible by the use of new sources of energy – first water, then coal.

The disruption to society caused by industrialisation was made worse by twenty-two years of war with France (1793–1815) and huge rises in food prices. All this led to workers banding together to campaign for higher wages and better conditions. (At this time most working people did not have the right to vote.) The Government banned such 'combinations' fearing that they might lead to a revolution similar to the one in France.

The Government relaxed the Combination Acts in 1824 and **trade unions** developed rapidly. However, it was not until the Trade Union Act of 1871 that trade unions were given legal protection. The Government had recognised that working people had the right to support each other's interests in the workplace and to elect representatives to speak with employers on their behalf.

Following campaigns throughout most of the nineteenth century, most men (but no women) were given the right to vote in 1884. This prompted the unions to form their own political party (the Labour Party) to get their representatives elected to Parliament. Twenty-nine Labour candidates were elected to Parliament in the general election of 1906.

**Figure 1.15** The plaque below is from the village of Tolpuddle in Dorset. It commemorates six farmworkers who attempted to form a trade union in 1834. Their actions were illegal at the time and all six were sentenced to transportation to Australia.



Trade unions developed throughout the twentieth century, often playing an important part in influencing government decisions. By the end of the century, governments were making laws to reduce trade union power. This trend has continued and, by 2015, the Government had made it more difficult for unions to organise strike action. Over the last twenty-five years, trade union membership has fallen and is now concentrated in public sector employment such as the health service, transport and education. Today people are more likely to be employed in small workplaces. This can make it more difficult for employees to organise trade union activity.

**Trade Union** An organisation of workers who join together to achieve common aims such as better pay and improved working conditions. Trade union leaders bargain with employers on behalf of union members.

## How trade unions and professional associations support and represent their members

Groups of employees set up trade unions to protect their rights and campaign for fair wages. If people are members of a trade union and have been treated unfairly by employers, they can ask their union for advice and help.

Professional associations aim to safeguard the interests of people engaged in a particular profession. For example, the British Medical Association promotes doctors' interests and helps to ensure that people practicing medicine have appropriate qualifications.

Trade union representatives and some professional associations negotiate with employers over pay and conditions for their members. Trade union leaders

also discuss employment issues with members of the Government so as to gain better rights for all employees.

If an employer needs to make workers redundant, trade unions must be consulted so that they can make representations on behalf of the affected workers and perhaps suggest alternatives to job losses.

Some trade unions support and donate money to the Labour Party. Many Labour MPs in Parliament are supported by particular trade unions. This helps give trade unions influence in Parliament.

### Website

The Trade Union Congress (TUC) website lists many of the major trade unions in the UK. It includes a history of trade unions, reasons for joining a trade union and news of current campaigns: <https://www.tuc.org.uk/britains-unions>

### Supporting members – some services provided by trade unions and professional associations

As well as legal advice, trade unions and professional associations provide a wide range of services to their members.

These include:

- Representation at work: a trade union or professional association official will accompany and advise people who need to discuss a complaint or disciplinary matter with their boss.
- Education and training: most trade unions and professional associations run training courses to help their members learn new skills. Some trade unions even help members financially if they want to go to university.
- A benevolent fund: most trade unions and many professional associations can offer financial help to their members if they have a major life crisis.

#### Support to members provided by the Unite trade union

Unite is dedicated to serving the best interests of its members and will seek to improve their standard of living and the quality of their lives through effective relationships with employers and government.

Our structure means we can represent your interests effectively in your workplace, no matter what industrial sector you work in.

Members of Unite are entitled to a range of legal and member services with representation services covering a range of issues, both inside and outside the workplace.

We can help with personal injury claims, employment matters, wills, conveyancing and many other legal issues.

You never know when you might need advice with a problem at work. So it's good to know Unite is here to help.

(Adapted from the website of the Unite Trade Union: [www.unitetheunion.org](http://www.unitetheunion.org))

#### Aims of the British Medical Association

Our vision is a profession of valued doctors delivering the highest quality health service where all doctors:

- have strong representation and expert guidance, whenever and wherever they need it
- have their individual needs met through career-long support and professional development
- are championed by the BMA and their voices are sought, heard and acted upon
- can connect with each other as a professional community
- can influence the advancement of health and the profession.

(From the website of the British Medical Association: [www.bma.org.uk](http://www.bma.org.uk))

### Evaluation: trade unions – good or bad?

Trade unions were set up to represent workers' interests but, with fewer members than at any time since 1940, are they still doing that today?

Consider the contrasting viewpoints below.

#### Trade unions are good for workers, businesses and society

- Trade unions promote fair, safe and discrimination-free employment practices. This creates the conditions for strong employee loyalty, flexibility and productivity.
- Unions can work with governments to improve conditions for all workers.
- Workers in companies with a recognised trade union earn 10 per cent more than in a comparable non-unionised workplace.
- Union members never have to face problems alone. Unions have workplace representatives to advise, support and represent members on a wide range of workplace problems.
- There are fewer accidents in unionised workplaces. Union health and safety representatives have legal rights to raise concerns and to take action to prevent accidents from happening.

### Trade unions fail to support workers and have a negative impact on business and society

- Trade unions produce higher wages (for the union members) at the expense of fewer jobs. They have failed to recruit workers in low-skilled, low-paid jobs and so can't represent their interests.
- Trade unions spend too much time on political campaigns and don't do enough to support their members in the workplace.
- Trade union representatives try to prevent the introduction of more efficient ways of working and so make it more difficult for businesses to succeed.
- Strikes cause needless disruption to the lives of ordinary people.
- Employees can buy legal insurance at less cost than a trade union membership fee. This pays for expert support in the event of employment problems.

### Activities

3. List five reasons why people join trade unions or professional organisations. Discuss your list with other learners and make adjustments as necessary, placing your reasons in priority order. If possible, check your list with a member of a trade union or professional association. Ask them why they are a member. Describe how far they agree with your list.
4. Explain why people might not want to join a trade union or professional association.
5. Evaluate the viewpoint that 'trade unions cause more problems than they solve'.

## How employers' associations support and represent their members

Employees can join trade unions for advice and support. Employers also have organisations that they can join for a similar purpose.

Two of the largest and best-known employers' associations are the Federation of Small Businesses (FSB) and the Confederation of British Industry (CBI). The FSB and CBI are both able to offer legal advice to employers and have regular discussions with the Government to promote policies to help business. Both of these employers' associations are keen to limit the amount of tax paid by employers and to reduce the number of regulations affecting business.

## Supporting business – some services provided by employers' associations

Other services provided to their members by the FSB and CBI include providing:

- legal documents online to save employers time in drawing up policies, contracts and official letters
- financial advice to help with loans, overdrafts, leasing and insurance
- business support to help with such things as checking customers' ability to pay and selling products overseas.

## FSB and CBI campaigns

Like the trade unions, the FSB and CBI organise campaigns to promote the interests of business. The Conservative Party is often willing to support these campaigns and some businesses have made donations to support the Conservatives.

**Figure 1.16** Back Small Business has been one of the Federation of Small Businesses' main campaigns



Examples of campaigns include:

- Keep Trade Local (FSB, 2015) asked the Government and local authorities to cut car parking charges and reduce business rates to encourage small business growth in town centres.
- The CBI made representations to the Government in 2015 to enable businesses to continue recruiting skilled workers from overseas in spite of public concerns about high levels of immigration.

### FSB Legal Benefits Package

As a right of membership, the FSB offers the following services:

- access to legal advice from qualified lawyers 24 hours per day, 365 days a year
- tax advice from specialists
- information and documentation on employment law, tax and commercial law through the FSB's members-only website
- insurance cover for legal fees.

(Adapted from the FSB website: [www.fsb.org.uk](http://www.fsb.org.uk))

### Activities

6. Visit either the Confederation of British Industry (CBI) or Federation of Small Businesses (FSB) website. Describe one of the campaigns they are running.
7. Write an email from an employee to their boss persuading them to join an employers' association.

## Other organisations supporting people's rights

People have established a wide range of pressure groups and member organisations to represent their particular interests. By working together in this way, people are more likely to be able to protect their rights and to get their voice heard. (See Chapter 9 for more details.)

Some pressure groups exist to protect and promote the rights of vulnerable groups. Examples include:

- Age UK – speaks for people who have reached later life
- MIND – provides advice and support to empower anyone experiencing a mental health problem
- National Society for the Prevention of Cruelty to Children (NSPCC) – protects vulnerable children.

### Activity

8. Choose a UK-based organisation that supports the rights of a vulnerable group. Prepare a presentation to:
  - Describe the organisation's aims and what it does.
  - Explain why the organisation is needed. (Mention the vulnerable group and which of their rights may be under threat.)
  - Describe some of the organisation's achievements.
  - Describe how people can support the organisation.

## CASE STUDY

### The NSPCC

The NSPCC, established in 1889, is a leading children's charity campaigning to end child abuse in the UK.

The NSPCC protects children's rights by: helping children who have been abused to rebuild their lives; protect those at risk; and find the best ways of preventing abuse from ever happening. The charity seeks to influence government policy on children's rights and child protection. In 2015, the NSPCC ran campaigns to promote online safety and to expose the evils of child trafficking.

Children and their families are supported through the NSPCC helpline and ChildLine. The NSPCC provides advice to parents on how best to protect their children online and what to do if their sons or daughters become involved in gangs.

The NSPCC's website ([nspcc.org.uk](http://nspcc.org.uk)) provides a wide range of additional information about the charity's aims and what it does.

**Figure 1.17** The NSPCC campaigns and takes action against child cruelty



## Rights in conflict

### Key learning

Analyse rights in local, national and global situations where there is conflict. Evaluate outcomes in cases where rights and responsibilities need to be balanced using local, national and global contexts.

## Rights in conflict – UK examples

### Safety and security v liberty, privacy and free speech

The statement from pressure group Liberty on page 18 shows how the right to safety and security can conflict with the rights to liberty, privacy and free speech. The UK Government has restricted liberty, privacy and free speech in order to more easily defend the country against terrorism and to safeguard the public from attack. Liberty argues that this has gone too far and is creating problems rather than solving them.

### Media freedom v privacy

Another UK example involves the potential conflict between media freedom and privacy. This is explored in Chapter 8.

## Rights in conflict – the Palestinian question

According to the Universal Declaration of Human Rights:

- Everyone has the right to life, liberty and security of person (Article 3).
- (1) Everyone has the right to own property alone as well as in association with others.  
(2) No one shall be arbitrarily deprived of his property (Article 17).

What happens, though, when two groups of people both believe that they have the right to live in the same area of land and cannot agree to share it? Put very simply, this is what has happened in Israel. The Israeli Government and the government of the Palestinian territories, known as the West Bank and the Gaza Strip, are engaged in violent conflict over rights to land ownership. Most Palestinian people living in Israel also feel hostile towards the Israeli Government. Each side feels that its rights are being infringed by the other.

**Figure 1.18** Al-Masara, Palestinian territories – 6 April 2012: A Palestinian man confronts Israeli soldiers in a protest against the construction of the separation barrier in the West Bank town of Al-Masara



## History of the Israel / Palestine conflict

For centuries, Jewish people had longed for their own country where they would be safe from discrimination and persecution. They wanted to build a Jewish state on land in the Middle East known as Palestine that had been the Biblical kingdom of Israel, the traditional home of Jewish people.

After the Holocaust, in which six million Jewish people were murdered by the Nazis, a United Nations agreement of 1947 granted the Jewish people a large part of Palestine. This land became known as Israel. Palestinian Arabs who already lived there felt that was unfair and didn't accept the new country.

In 1948, the two sides went to war. The Arabs were defeated and thousands of Palestinian refugees fled from what was now the new Jewish homeland to Gaza and to land on the West Bank of the River Jordan.

Conflict continued and new wars broke out. Each side claimed rights over the territory now occupied mainly by Jewish people.

In 2005, a group called Hamas won elections in Gaza and took control there. Although there is international support for a solution to Palestinian problems, much of the world sees Hamas as a terrorist organisation. Hamas refuses to recognise Israel as a nation and is prepared to use violence so that Palestinians can return to their former homes.

Since then, Israel has held Gaza under a blockade, which means it controls its borders and limits who can get in and out. This makes it impossible for the people of Gaza to live normal lives. Many lack proper food and accommodation. The United Nations is providing **humanitarian aid**.

Other countries, particularly the United States of America (USA), have tried to resolve the dispute between the Arabs and Israelis. Nothing has worked. Many people want Gaza and the West Bank to be turned into a new nation – Palestine. Israel will not agree to this unless its own security and right to exist are safeguarded. There are also concerns about finding a permanent home for millions of families descended from the original Palestinian refugees.

Figure 1.19 Israel, Palestinian territories and neighbouring countries



**Humanitarian aid** Emergency help given directly to people in urgent need as a result of war, natural disaster, disease epidemic or famine. It is usually short-term help until governments and international agencies can step in with longer-term support.

## Website

A detailed and balanced history of the Israel / Palestine conflict, including a timeline and an analysis of some of the current issues: <http://www.trust.org/spotlight/Israeli-Palestinian-conflict/?tab=briefing>

## Activities

1. List the human rights likely to be under threat as a result of the Israeli/Palestinian conflict.
2. Using the information from the section above explain why the conflict between Israel and Palestine has become so difficult to resolve.

## Practice questions

In the OCR specification, this section will be assessed using objective test questions and questions needing a written response.

1. Which **one** document was first to include the principle of 'The Rule of Law'?
  - A the Convention of Medina
  - B the Magna Carta
  - C the Universal Declaration of Human Rights
  - D the Human Rights Act.

[1 mark]
2. From the list below choose **four** rights or freedoms that are included in the **European Convention of Human Rights**.
  - A To become a citizen of any European Union country.
  - B To be able to view unbiased media.
  - C To have full time education or training to the age of 18.
  - D To be free from slavery.
  - E To have access to medical treatment that is free at the point of use.
  - F To be free from government interception of your personal communications.
  - G To have life, liberty and personal security.
  - H To have access to play and leisure facilities.
  - I To be able to vote in any European country.
  - J To have a fair trial.
  - K To be able to use violence to defend yourself.
  - L To be able to express your thoughts and ideas.

[4 marks]
3. Which one of the definitions below best matches the term '**age of criminal responsibility**'?
  - A The age at which a young person must be tried in a youth court.
  - B The age below which a young person cannot be held accountable in law for his or her actions.
  - C A period of time, after the Second World War, when criminals behaved with greater responsibility to members of the public.
  - D The age at which a young person is responsible for defending themselves in court.

[1 mark]
4. Which **one** of the options below best matches the **main role** of an employers' association?
  - A Works with its members to improve employees' pay and conditions.
  - B Campaigns to get its members elected to Parliament.
  - C Persuades politicians to support business.
  - D Fixes prices among its members so that everyone can make a fair profit.

[1 mark]
5. Explain why human rights sometimes conflict.
 

[4 marks]