



General Certificate of Secondary Education
June 2012

General Studies

47601/PM

Unit 1 (Case Study)

Case Study Material

Case Study material on *'Rights and responsibilities of being a citizen'*

Instructions

- To be issued to candidates on or after **1 March 2012**.
- You may write notes in this copy of the Case Study, but you will **not** be allowed to bring this copy, or any notes you may have made, into the examination.
- You will be given a clean copy of this material at the start of the examination on Monday 14 May 2012.

Advice (See Specification, 2.1 Summary of Assessment)

- Teachers are allowed to discuss this material with candidates.
- Candidates are encouraged to do their own research and wider-reading around the topic and sources provided.

There is no source material printed on this page

Study **all** the information in this booklet.

Rights and responsibilities of being a citizen

The information in this booklet comprises the following:

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(See **Advice** on front cover of this booklet)

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Source 1

Government, citizens and rights:

Where your rights come from

The rights and responsibilities you have today come from a number of sources – through Acts of Parliament and law made by judges, and some from European law. Together, they form the British Constitution.

The British Constitution

The British Constitution is a set of rules of government. Some of the rules are about procedures such as how often elections must be held. Others are concerned with the amount of power held by the government – specifying what the government can or cannot do.

Unlike most other countries, such as the United States of America or India, the British Constitution is not written down in a single formal document. Instead, the rights and responsibilities we have as individuals and as a society are formed from a number of different sources.

Much of the constitution is based on unwritten customs and rules called conventions. In addition, further protection is provided by:

- formal written legislation created and agreed by Parliament – statute law
- law developed by judges as part of the justice system – common law
- law made in Europe which affects the UK as a factor of our membership in the European Union – EC law.

European law

European Community law, which applies in the UK, comes from EC treaties, Community legislation adopted under them, and decisions of the European Court of Justice. This court has the highest authority to decide points of EC law.

Where EU member states have agreed to act together, all laws passed at the European level are considered legally superior to domestic law, and are ultimately protected by a higher constitutional court, the European Court of Justice – in these circumstances, should European Community law and UK law conflict, EC law prevails.

Statute law


The first document to have influenced the constitution is the *Magna Carta*, written in 1215. This set down the king's duty to his subjects and their rights and responsibilities. More recently, constitutional law has been affected by the Acts that brought Britain into the European Community in 1972, established the Scottish Parliament in 1998 and the Human Rights Act 1998. These laws enacted by Parliament are known as statute law. As a result of devolution, the Scottish Parliament is also able to create constitutional legislation that affects its citizens. The Northern Ireland Assembly and Executive have even greater powers.

The Magna Carta
Source: © Getty Images



Common law

Law and the rights and protections formed under them are also created by judges' decisions in court. This is known as common law. Common law has its basis in precedent – this means that judges follow decisions made in similar cases to create a consistent, just and fair system. However, there are cases when the circumstances or facts of the case are very different, have not arisen before or are viewed by a senior judge as not reflecting current society, so that a decision is made to create or amend the law.

Order of precedence of law in the UK	
	European law
	Statute law
	Common law

Rights and responsibilities as a British citizen

There is a wide range of rights within the constitution, covering all aspects of life from human rights, such as freedom of speech and freedom from torture, to more specific rights such as those relating to education and healthcare, and protection from discrimination.

It is important to remember that the human rights incorporated into UK law through the Human Rights Act are not all absolute. They may be limited or withdrawn under certain circumstances.

With these rights come responsibilities such as loyalty, which means not plotting against the state, abiding by the law as a responsible citizen, and certain civic duties such as voting, jury service and giving evidence in court.

Source: © Crown Copyright, Directgov website, November 2010

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Source 2

Rights

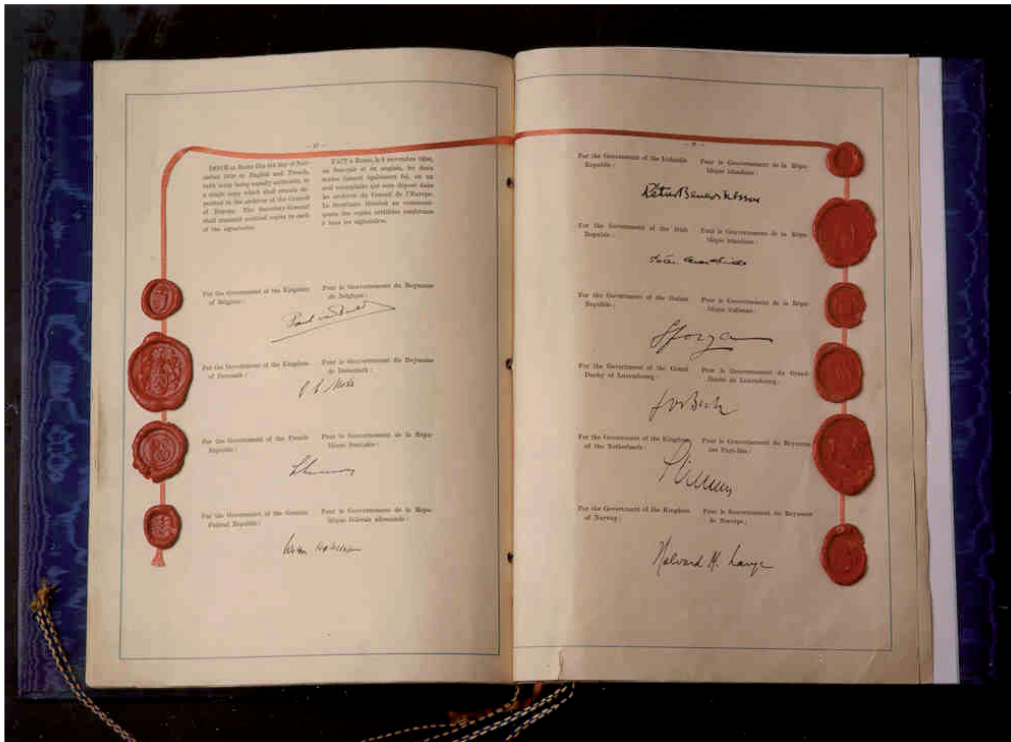
In spring 2010, the Labour Government wanted to get the fairest balance between our own rights and the rights of other people. Below is an extract from 'Your rights your say', a document produced by the Labour Government, and opposite are the 'rights' it wanted to be included in a new 'Bill of Rights'.

“It’s important that people have the freedom to do things without the Government always telling them what they can and can’t do. They also want each of us to have the freedom to achieve the best we can for ourselves. There are two sides to freedom. For example, we all have a right not to be locked up but if we committed a serious crime we may have this freedom taken away so that others are protected. So we are free to do whatever is not against the law.

At the moment, our fundamental rights are protected by the European Convention on Human Rights and the Human Rights Act, 1950.

However, in addition to this the UK Government thinks we could improve protection of our rights through a new Bill of Rights and Responsibilities.

It’s always important to think how best to protect rights. Governments in this country are chosen by the people who vote for them to be in power. However, this means the rights of the people that didn’t vote for them could be at risk. We could all be in such a minority group at some time in our lives and that is an important reason for protecting these fundamental rights.”



The European Convention on Human Rights is an international treaty under which the member States of the Council of Europe promise to secure fundamental civil and political rights, not only to their own citizens but also to everyone within their jurisdiction. The Convention, which was signed on 4 November 1950 in Rome, entered into force in 1953.

Source: ECHR © 2009

The Government thinks the following rights should be included in the Bill:

- **There should be fair ways of dealing with crime. There should be a clear list of rights for:**
 - **The accused person – such as having a defence and fair trial**
 - **Witnesses – such as protection if needed**
 - **Victims of crime – to support them. There are some existing laws in different parts of the UK and across the world to protect victims of crime. The Government especially want to make sure that victims are treated with respect and are given the support they need. They have already appointed a Victims' Champion and plan to appoint a Victims' Commissioner.**
 - **Everyone else – such as not being locked up wrongfully.**
- **People should have equal opportunities. They should not suffer from discrimination. This is already against the law. For example, this includes not being allowed to treat people worse because of their sex, religion and belief, race, disability, age, whether they are gay or lesbian or because they have changed gender. There might be some exceptions to equal treatment. For example, rules on benefits for some people coming into this country to live.**
- **People should be able to challenge decisions made about them by the Government or other public bodies. For example, through making a complaint. They should be able to put really serious complaints to independent people to investigate.**
- **Social Justice – This means meeting needs like healthcare, education, housing, employment and support fairly for those who really need help, such as those who find it hard to get a job. The Government believes that Parliament is the right place to make final decisions about how much money is given to these different services because Parliament has been elected by the British people to do this job.**
- **Healthcare – The National Health Service (NHS) should be available to everyone, if they need it. Decisions about who gets healthcare should not depend on whether they have money to pay for it. NHS staff should listen respectfully to patients, their families and carers. The NHS has only got a certain amount of money so they should use this fairly and in the best way. There is a list of things that people using the NHS have the right to. For example, being well cared for and only being given medicines that have been checked and are safe.**

Source: © Crown Copyright, *Your rights your say*, Ministry of Justice, 2010

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Source 3**France to issue citizens' handbooks to every child**

- PM unveils new measures following identity debate
- All schools will be ordered to fly the French flag



The French Prime Minister, François Fillon, said the question of national identity needed to be debated.

Photograph: Michel Euler/AP

French children are to be given a “citizens' handbook” to teach them to be better republicans, as part of national identity measures announced by the government today.

Schools will be ordered to fly the French flag and to have a copy of the *1789 Declaration of the Rights of Man and of the Citizen* in every classroom.

The measures, announced by the French Prime Minister, François Fillon, are the first to emerge from the country's controversial debate on national identity.

Under new rules, immigrants who come to live in France, who since 2007 have had to sign a contract of welcome and integration, will have to take part in a more solemn ceremony to become French citizens. They will also be expected to demonstrate a better command of the French language and a greater knowledge of the “values of the republic”. All candidates will be required to sign a “charter” outlining their rights and responsibilities.

Lessons for immigrant parents, currently being tested in 12 regions, will be introduced across the country from September.

“The emphasis will be put on the respect for the values of the republic ... notably the principle of equality between men and women ... and the level of knowledge of the French language,” said Fillon.

His comments came less than a week after France's immigration minister, Eric Besson – a Socialist party defector personally appointed by President Nicolas Sarkozy to manage the national identity debate – refused to grant nationality to a Moroccan man who allegedly obliges his wife to wear the burka. The French government is also considering a ban on burkas and full veils in public places.

The *carnet du citoyen*, a form of citizens' manual, will “follow pupils' civic education from primary school to lycée ... to better prepare them for the exercise of their future responsibilities” as citizens.

“The Tricolor must be affixed to every school and the 1789 Declaration of the Rights of Man and of the Citizen, which constitutes our republican reference, must be present in each class,” said Fillon.

A “committee of personalities”, made up of MPs, intellectuals and historians, will be set up to “follow the application of the measures decided today and to propose new ones”, he added.

He said the government would announce further measures in the coming months and that Sarkozy would make a statement in April.

The debate on national identity, which Fillon described as a “popular success”, has been fiercely criticised as xenophobic. Critics say it is playing to voters on the extreme right of the political spectrum in the run-up to regional elections next month. However, Fillon said it would continue throughout the rest of the government's term, which ends in 2012.

More than 58 000 French people have contributed on a website set up to encourage ideas and comments.

“The subject has been dodged for too long. The question of national identity needs to be debated in the long term and in a natural, calm and non-partisan way because nothing is worse than silence. Nothing is worse and more damaging than things unspoken and stigmas that we know have always played into the hands of extremists,” said Fillon.

Source: article by KIM WILLSHER, Monday 8 February 2010
guardian.co.uk © Guardian News and Media Limited

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Source 4

Living in society

Many people have commented on the nature of society and the rights and responsibilities that citizens do have or should have. Margaret Thatcher famously said:

“I think we have gone through a period when too many children and people have been given to understand ‘I have a problem, it is the Government’s job to cope with it!’ or ‘I have a problem, I will go and get a grant to cope with it!’ ‘I am homeless, the Government must house me!’ and so they are casting their problems on society and who is society? There is no such thing!”

although this is usually reported as Margaret Thatcher simply saying “there is no such thing as society”.

If we do live in a society which has shared values and commonly recognised rights and responsibilities then where do these come from? If you travel abroad you might find yourself in a country where you notice instantly that rights and responsibilities are different from those found in the UK. It is a criminal offence to chew gum in Singapore and couples should not show affection in public in some Middle East states. A shared sense of what is acceptable and proper is likely to be different all over the world.

We have many clear rights in the UK, but with these rights must come responsibilities. Margaret Thatcher was perhaps suggesting that official bodies such as the government or the local council cannot take responsibility for everything.

Let’s just think about our own health for instance. Most people in the UK know that eating fatty foods and drinking sugary drinks can be unhealthy, but we all have the right to visit fast food restaurants which specialise in selling such items. We have the right to consume hamburgers and fizzy drinks but surely each individual also has a personal responsibility to see that this does not happen so often that it leads to health problems. How can this really be the responsibility of the state?

If someone has a poor diet and also takes very little exercise should it be the responsibility of the National Health Service (NHS) to make them better? The line between personal responsibility and the responsibility of the state is a very difficult one to draw.

Consider this simple set of things you can and cannot do:

Not allowed:

Walking on a motorway

Number of deaths in the UK in 2008 from pedestrians walking on the motorway was below 20

Allowed:

Smoking

82 900 deaths in the UK from smoking in 2008

Eating a high fat diet

2.3 billion people in the world will be overweight by 2015 and 700 million of these will be obese (World Health Organisation, WHO, figures)



A doctor measuring a 12 year old boy's waist

Source: PETER DAZELEY © Getty Images

Thinking about health again, a BBC report on obesity stated that:

Obesity is a modern problem – statistics for it did not even exist 50 years ago.

The increase in convenience foods, labour-saving devices, motorised transport and more sedentary jobs means people are getting fatter.

The body mass index (BMI) is the most commonly-used way of classifying excess weight and obesity in adult populations and individuals. BMI is defined as a person's weight in kilograms divided by the square of their height in metres (kg/m^2).

Each BMI figure is classified within a range, e.g. 18–25 is ideal and over 30 is reckoned to be obese.

According to a survey of body shapes conducted in the UK in 1951, a woman's average waist size was 70 cm (27.5 in). A 3-D survey carried out by *SizeUK* in 2004 found the average woman had a waist measurement of 86 cm (34 in).

There was no comparative data for men in 1951, but the *SizeUK* survey showed the average man in 2004 had a waist of 94 cm (37 in).

Source: Obesity: in Statistics, 2 January 2008 © BBC MMX

In less than 50 years, the average UK female waist size has increased by 30 per cent. Childhood obesity is now a problem that concerns many UK doctors.

So just whose responsibility is it to look after personal health? If a person chooses to eat badly and to smoke, drink heavily and take no exercise, should the NHS have to pay for expensive treatments? After all, the NHS is paid for by everyone in the UK who pays tax and national insurance. Why should those who take care of their own health have to pay for those who do not?

Health is just one example of a difficult area where it can be hard to separate rights and responsibilities.

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Rights

Rights are often broken down into three main areas:

- civil rights
- political rights
- social rights.

Not everyone feels the same about which of these rights is the most important. An international study into citizens' views about their rights was carried out in the United States and the UK by Professor PJ Conover in 1991:

Research groups in the US were asked the same questions as research groups in the UK.

The US groups found civil rights to be the most important, with emphasis placed on freedom of speech, freedom of religion and freedom of movement. In the case of the UK groups the focus was on social rights “the basic rights that all human beings should have – a roof over their heads, food in their bellies, clothes on their backs and an education for their children.”

People in the US rarely felt that it was an absolute right to have a roof over your head or to be given food. They were very resistant to the idea that the greater community should provide such things for anyone. The US feeling was very much that it is an individual's responsibility to provide these basic necessities for themselves and for their family.

People in the UK felt very strongly that the state should provide the most basic necessities and there was very little sense that people were responsible for themselves.

Rights are not seen in the same way by everyone. One person's right to play music must be counter-balanced by another person's right not to have to listen to that music. Problems often occur at this boundary between what is seen as a right by one person and an infringement of rights by another. One man's civilization is another man's jungle.

Source: AQA, 2011

END OF SOURCES