

# DAPTO HIGH SCHOOL

## LEGAL STUDIES HSC ASSESSMENT TASK

### Task 2: **Contemporary Human Rights Struggles**

Weighting 15%

Date Issued; \_\_\_\_\_ Due Date: \_\_\_\_\_

Name: .....,.....

Outcomes to be assessed:

H 1.2 assesses the role of Australian and major international institutions

H2.1 explains the origins and sources of Australian and international law

H3.1 analyses the interrelationship between law, justice and society and the changing nature of law H3.2 assesses how cultures and values of different groups within society impact on the legal system

H4.3 explains rights and responsibilities and evaluates the provisions of domestic and international legal systems in addressing these issues

H5.2 investigates, analyses and synthesises legal information from a variety of perspectives and presents the findings of investigations

H5.3 communicates through well-structured texts to describe, explain, argue, discuss, analyse, evaluate and apply legal information, ideas and issues using appropriate written and oral forms.

#### Description of Task:

Research the following issues related to human rights and the way in which the legal system deals with these issues both in Australia and internationally.

1. Protection of prisoners rights in Australian institutions.
2. Use of capital punishment and corporal punishment and other penalties that infringe human rights laws: cruel and unusual punishment (see International Covenant on Civil and Political Rights)

Also read and refer to the text below taken from the NSW Council for Civil Liberties.

#### NSW Council for Civil Liberties

In a recent High Court judgment (the highest court in Australia) his Honour, Mr Justice Michael Kirby commented that:

Prisoners are human beings. In most cases, they are also citizens of this country, "subjects of the Queen" and "electors" under the Constitution. They should, so far as the law can allow, ordinarily have the same rights as all other persons before this Court. They have lost their liberty whilst they are in prison. However, so far as I am concerned, they have not lost their human dignity or their right to equality before the law.

This quote underlines the point that criminal offenders lose their liberty when they are sentenced to imprisonment, but that in a civilised society they do not lose their rights as citizens. In other words: the imprisonment is the punishment. Our prisons are meant to be places of rehabilitation, not places where extra punishment is added. ( CONTINUED OVER PAGE )

Despite this, the rights of prisoners are breached on a daily basis. For example, both the NSW and federal governments have stopped some prisoners from voting at elections. This amounts to "double punishment" because the court has already imprisoned these people and now the government is punishing them again by taking away their voting rights. This is a blatant violation of the constitutional right of all citizens to elect those who govern them.

Use this research to answer the questions that follow.

Present your answers as a word-processed document-Attach this sheet to the front of your task.

Remember that in your answers you must also;

- . \* Refer to actual cases, legislation, statistics, media reports or special inquiries where relevant.
- . \* Include a Bibliography to show a wide variety of sources for your information. You must select and evaluate information from at least 3 different sources from ,eg, books, newspaper articles, internet sites, magazine and journal articles, case studies specific legal reports or inquiries.
- . \* Include at least one recent media article related to the questions.

#### Task Questions

##### 1. Rights of Prisoners in Australia

- a) What rights have prisoners lost as a result of being incarcerated?
- b) Using examples, outline some violations of human rights that have occurred in Australian prisons or whilst people have been in police custody. Also include statistical information.
- c) How are the rights of prisoners protected in Australia? Outline various mechanisms that provide protection for prisoners' basic rights.?
- d) Outline and discuss any non-legal measures that provide protection for prisoners' basic rights.
- e) How effective have these legal and non-legal measures been in protecting prisoners 'basic rights.?

##### 2. Capital and corporal punishment and other penalties that infringe human rights laws.

- a) Outline the various international treaties and / or conventions that protect the human rights of prisoners or people accused of committing crimes.
- b) Discuss various punishments used in other nations that infringe human rights laws. Provide some statistical information to show the extent to which these penalties are used in specific countries.
- c) With reference to at least ONE case study (example), outline the specific violations of human rights that have occurred as a result of these penalties being used in countries outside Australia.
- d) In what ways and to what extent does Australia oppose such penalties?
- e) Discuss the ability of the international legal system to protect the rights of prisoners throughout the world.
- f) Discuss non-legal measures that aim to protect people against the use of capital and corporal punishment and other penalties that infringe human rights laws.

## MARKING GUIDELINES

### Assessment Task 2 - Year 12 LEGAL STUDIES Contemporary Human Rights Struggles

Weighting 15%

Date Due -----

Outcomes and Marking Criteria	Marks	Marks Allocated
<ul style="list-style-type: none"> <li>• Describes one domestic and one international human rights struggle</li> <li>• Gives a detailed account of human rights struggles.</li> <li>• Discusses specific human rights violations</li> <li>• Uses and applies appropriate legal terminology</li> <li>• Demonstrates a good understanding of relevant legal issues involved</li> <li>• Illustrates answer with relevant examples of cases, media reports, documents &amp; opinions.</li> <li>• Provides a good analysis of the effectiveness of the legal system in response to human rights issues.</li> </ul>	11-15	
<ul style="list-style-type: none"> <li>• Describes one domestic and one international human rights struggle</li> <li>• Describes human rights struggles, with limited discussion</li> <li>• Identifies human rights violations, provides limited discussion</li> <li>• Uses and applies legal terminology</li> <li>• Illustrates answer with some examples of cases, media reports, documents &amp; opinions</li> <li>• Comments on the effectiveness of the legal system in response to human rights issues</li> </ul>	6 -10	
<ul style="list-style-type: none"> <li>• Describes one domestic and one international human rights struggle</li> <li>• Uses legal terminology</li> <li>• Identifies human rights struggles and violations</li> <li>• Mentions the issues but shows limited understanding</li> <li>• Illustrates answer with a few examples of either cases, media reports, documents or opinions</li> <li>• Provides a limited comment on the effectiveness of the legal system in response to human rights issues</li> </ul>	5 - 9	
<ul style="list-style-type: none"> <li>• very limited evidence of research on human rights issues</li> <li>• limited use of legal terminology</li> </ul>	0 - 4	