

Story of Our Rights and Freedoms – Rights, Freedoms and the Law – Year 9 Civics

Teacher preparation

Overarching learning goal: Students will have a greater understanding of the right to equality before the law. They will understand the concept of justice and how the courts work to achieve it. Students will read and understand Article 14 of the International Covenant on Civil and Political Rights and understand how it acts to ensure that people are treated equally before the law. Students will understand the right to appeal and the role of the High Court in the appeal process.



Teacher content information:

Many countries have special protections for human rights in their domestic law. Some, like Canada and the USA, have a Bill of Rights as part of their Constitution which means that these rights are very strongly protected (because it is very difficult to alter the Constitution). However, Australia does not have a Bill of Rights and there is no single law that broadly protects human rights in Australia. Rather our human rights are protected by a variety of different laws including the Constitution, Commonwealth and state/territory legislation and common law. While the Australian government has been a longstanding supporter of the UN and was involved in the drafting of the Universal Declaration of Human Rights (UDHR), not all Australian legislation is entirely compatible with the UDHR.

There is no universally accepted definition of human rights, and our understanding is continually developing. Some definitions include:

- The recognition and respect of peoples' dignity
- A set of moral and legal guidelines that promote and protect the recognition of our values, our identity and access to an adequate standard of living
- The basic standards by which we can identify and measure inequality and fairness
- Those rights associated with the Universal Declaration of Human Rights (UDHR)

When we talk about human rights we usually refer to principles that have been agreed upon by countries throughout the world. These rights have been set down in international agreements and form part of international law. They can also be written into the domestic law of individual countries. Human rights cover virtually every area of human life and activity. These include:

- Civil and political rights, such as freedom of speech and freedom from torture
- Economic and social rights, such as the rights to health and education
- Individual rights, including the right to a fair trial
- Collective rights, or those rights that apply to groups of people, such as the right to a healthy environment or to live on one's ancestral land.

The UDHR is an international document that recognises the basic rights and fundamental freedoms to which all human beings are entitled. It was adopted by the United Nations General Assembly on 10 December 1948 and marks a key milestone in the history of human rights. The Magna Carta, though limited in who it protected, was an important precursor to the UDHR.

[Click here to watch a video about the Magna Carta.](#)

You can view the entire text of the Universal Declaration of Human Rights, and the other core international human rights treaties, on the [United Nation's website](#) or by downloading [RightsApp](#) (free from the iTunes App store).

Additional resources:

- Factsheet: [What are Human Rights?](#)
- Factsheet: [About the Australian Human Rights Commission](#)
- Factsheet: [The Universal Declaration of Human Rights](#)
- Factsheet: [The International Bill of Human Rights](#)
- Link: [Human Rights Explained: Index of factsheets](#)

Hot tip: Consider starting this lesson by establishing a mutually agreed list of class agreements, displaying them in a highly visible place, and encouraging the class to kindly remind each other of the agreements. Refer to the [Handling Sensitive Topics and Controversial Issues factsheet](#) for more information.

Teaching sequence

30 minutes – Part A: Exploring Justice

45 minutes – Part B: Understanding Equality Before the Law

50 minutes – Part C: Helping Others Understand Article 14 of the ICCPR

45 minutes – Part D: Understanding the Right to Appeal

10 minutes – Reflection

Work through this resource material in the following sequence:

PART A: Exploring Justice

Note: If you think your students would benefit, screen the *Rights & Freedoms and the Courts* video as a refresher before beginning the lesson activities.

Rights & Freedoms and the Courts (https://youtu.be/wZMvQPVL_rY)

Step 1. Ask students to arrange themselves so that they are in groups of four to five people around a table. Place the '['Chalk-Talk' Prompts](#)' in the middle of the tables face-down. Explain that this lesson will involve finding out more about the right to equality before the law, and how the Australian judicial system upholds that right.

For this part of the lesson, students will engage in the 'Chalk-Talk' visible thinking routine. This involves viewing a prompt, then having a silent discussion in writing around the prompt. Students should be encouraged to write down their observations, thoughts, questions and comments. They should also work to respond to each other's contributions, in the same way that they would if they were speaking. This routine enables students to be thoughtful and considered in their contributions by encouraging a more deliberate approach to discussion.

Hot tip: Ensure that the size of the paper the prompts are printed on is large enough for all students in the group to see and write on while sitting together around a table. This may involve enlarging the prompt and sticking it to a piece of butcher's paper.

Step 2. Invite students to flip the first prompt over and allow enough time for students to become comfortable enough to contribute. You may need to prompt individuals to participate.

Step 3. Once students have contributed in writing, ask groups to briefly discuss what they have written around the prompt, and to circle three things that they would like to share with the class. Facilitate a class share, noting the main points for each group on the whiteboard.

Repeat this process for the remainder of the prompts. If required, add the following points to the class discussions.

Prompt 1:

- This is the oath that all judges take across all levels of courts,

including state and federal courts (source: High Court of Australia Act 1979 (Cth) s 11.)

- This oath demonstrates the expectation that a judge will rule impartially (without discrimination) and in the best interests of the people
- Discuss with students what the risks are if a judge is not impartial or unbiased

Prompt 2:

- This is an article from the Universal Declaration of Human Rights
- This article shows the link between human rights and the law
- Human rights are not laws, but some of them are upheld by laws in Australia

Prompt 3:

- This figure is based on Justitia, the ancient Roman Goddess of Justice
- Statues and images of her are often seen in and around court houses
- Lady Justice wears a blindfold to represent equality before the law - justice is blind, she cannot see and thus cannot discriminate
- The sword represents the power and strength of justice
- The scale represents the balance and fairness of justice

Step 4. Summarise this part of the lesson by facilitating a quick class discussion around the question:

What does each of these prompts suggest about equality before the law?

PART B: Understanding Equality Before the Law

Step 1. While students are still in their groups, distribute [Article 14 of the International Covenant of Civil and Political Rights \(ICCPR\)](#) to each

person, and provide each group with two sheets of A3 paper to take notes on.

Step 2. Invite students to work together to read through the article and complete the following:

1. Conduct an online search to find out what the International Covenant on Civil and Political Rights (ICCPR) is and work together to summarise your understanding in writing.
2. Work together to re-write each of the points in Article 14 in plain language (your own words). If required, conduct online research to verify the meaning of the section that you are working with.
3. Write a statement that summarises how Article 14 relates to the concept of justice.
4. Write a statement that summarises how Article 14 relates to our rights and freedoms.

Step 3. Encourage students to join with another group to share their ideas. This will help them to summarise their new understanding and clarify anything they are unsure about. After students have shared the information they have researched, ask groups to collate a list of questions or points that they require further clarification around.

Step 4. Reconvene the class. If possible, sit together with the chairs in a circle formation; otherwise, ensure that all students can face the person who is speaking to ensure that they can engage deeply in the class discussion. Invite each group to read out their list of points for clarification. Ask the rest of the class if they can answer or explain the queries that arise, and if not, create a class list of points for clarification to address later.

PART C: Helping Others Understand Article 14 of the ICCPR

Step 1. Ask students to indicate if they had heard of the International Covenant on Civil and Political Rights (ICCPR) before this lesson. If students had heard of it, ask them how they did. If they indicate that they didn't know about it, ask them why they think that might be.

Invite students to share some of the ways that they become aware of new information in their lives. They may share that they hear new information through social media, from family and friends, at school, on YouTube, on the television, in magazines and on the radio.

Step 2. Separate students into groups. Inform them that their next challenge is to educate a wider audience about the International Covenant of Civil and Political Rights (ICCPR), with a specific focus on Article 14.

Split the different sections of Article 14 of the ICCPR between groups. Ask groups to create a presentation that details the ICCPR, and in particular Article 14, and why it is important for the protection of rights and freedoms.

Students could work together to create:

- a video using Adobe Premier Pro or an online tool such as <https://www.powtoon.com/>
- a poster using Photoshop, Paint or an online illustration tool such as <https://sketch.io/sketchpad/>
- a Buzz feed-style list
- or any other preferred alternative

Hot tip: If required, show the following clips and poster featuring the Universal Declaration of Human Rights to illustrate what the final product could look like:

The Universal Declaration of Human Rights
(<https://youtu.be/hTlrSYbCbHE>)

The Universal Declaration of Human Rights
Poster: <https://shopzenpencils.com/products/universal-declaration-of-human-rights>

The Student Worksheet includes the following information to help

students organise their approach:

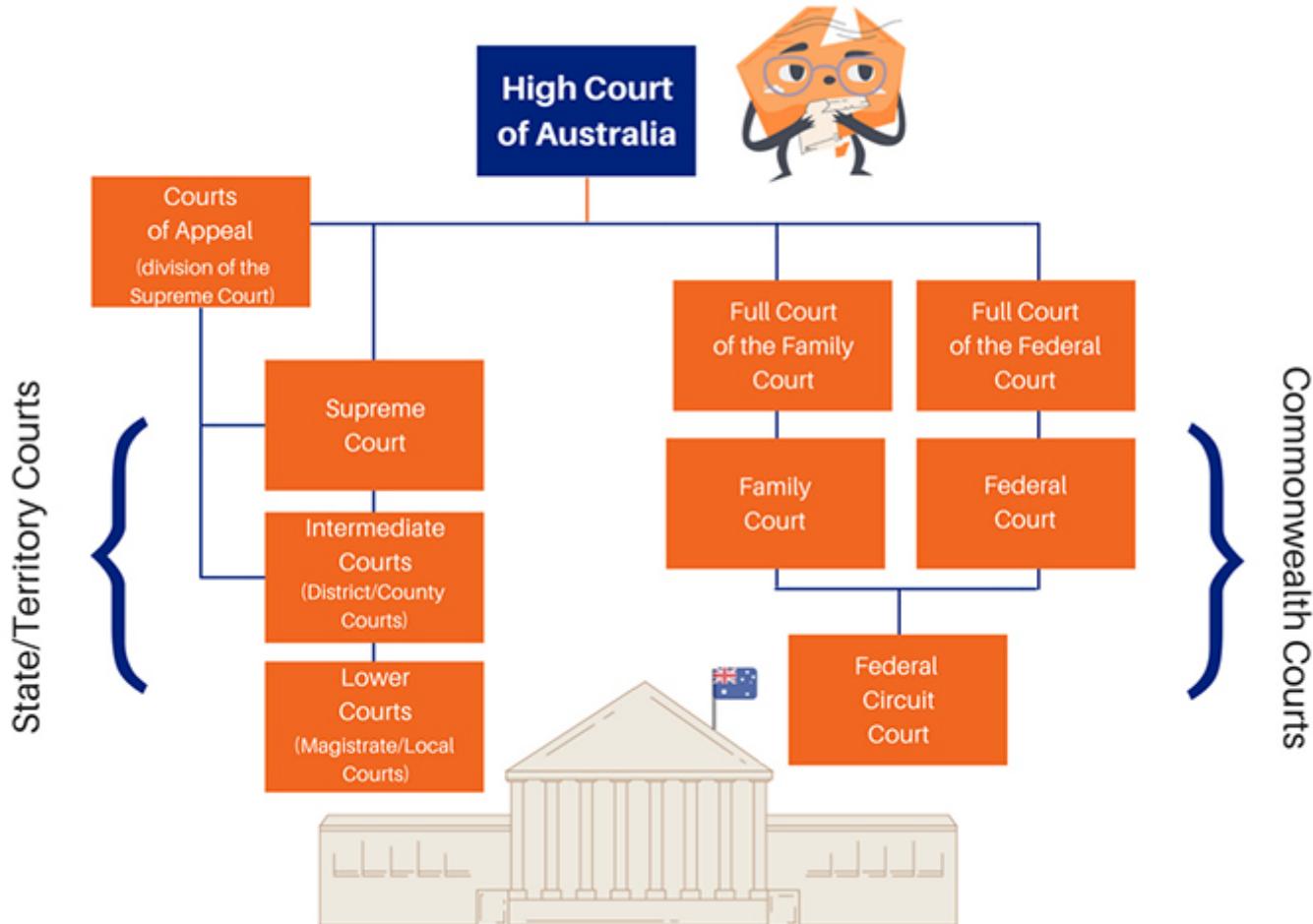
- Research: What else do we need to know about the topic before we educate others about it?
- Plan: How will we present the information in an organised and engaging way?
- Create: Who will be responsible for each element of the project? What extra resources do we require and how can we access them?
- Disseminate: How will we ensure that other people can see our presentation? Do we need permission from anyone? Are there any issues around privacy that we need to be aware of?

Step 3. Allow students enough time to research, plan and create their informative piece. This could run over several lessons or be set as homework. Ensure that students have an opportunity to publically display their work in a manner that legitimately educates other people - this could mean screening presentations at an assembly or on a television in the school, including flyers or posters in the school newsletter or on the school website, or displaying posters in a highly visible place in the school.

PART D: Understanding the Right to Appeal

Step 1. Keep students in their previous groups. Ask students to think about what they understand about what a person is entitled to do if they are not satisfied with their conviction or sentence from the courts. Acknowledge all responses and explain to students that this activity will focus on the right to appeal.

Step 2. Remind students about the hierarchy of Australian courts. You could distribute the [Australian Court System factsheet](#) and explain that Australian courts are hierarchical: with each higher level, power increases. Higher courts can hear appeals and either overturn or uphold rulings made in lower courts. You could also display the infographic below for students to view:



Step 3. Explain to students that they will be considering a case study of an appeal that reached the High Court of Australia. Give each student a copy of the Right to Appeal Case Study - Chamberlain v. The Queen (1983) 153 CLR 521 (found at <http://www.crispinhull.com.au/high-court-book/chapter-seven-unusual-and-interesting-cases/>).

Step 4. Guide students through the first section of the handout, helping them to identify the key information they could be looking out for and record it in the table on the Student Worksheet. Then, invite students to work independently or in pairs to read, understand and take notes about the rest of the information.

Step 5. Invite students to summarise their understanding of the right

to appeal by responding to the following prompts on the Student Worksheet:

- What is the right to appeal?
- Is the right to appeal important? Explain your response.
- Do you think there is a connection between the Australian judicial system (courts) and rights and freedoms? Explain your thoughts a little more.

Step 6. Once students have finished, invite them to find someone in the room they have not yet worked with during the lesson and exchange what they found memorable about the case study, as well as their responses to the prompts.

Reflection

Invite students to focus on the concept of equality before the law and complete the ‘I used to think...now I think’ visible thinking routine on the Student Worksheet.

Differentiated Learning

Extension: Encourage students to engage in further research into the class list of points for clarification, and share their findings in the next class.

Provisional Learning Support: Encourage students to identify the words and phrases they are unfamiliar with in each of the case studies and find definitions of these words.