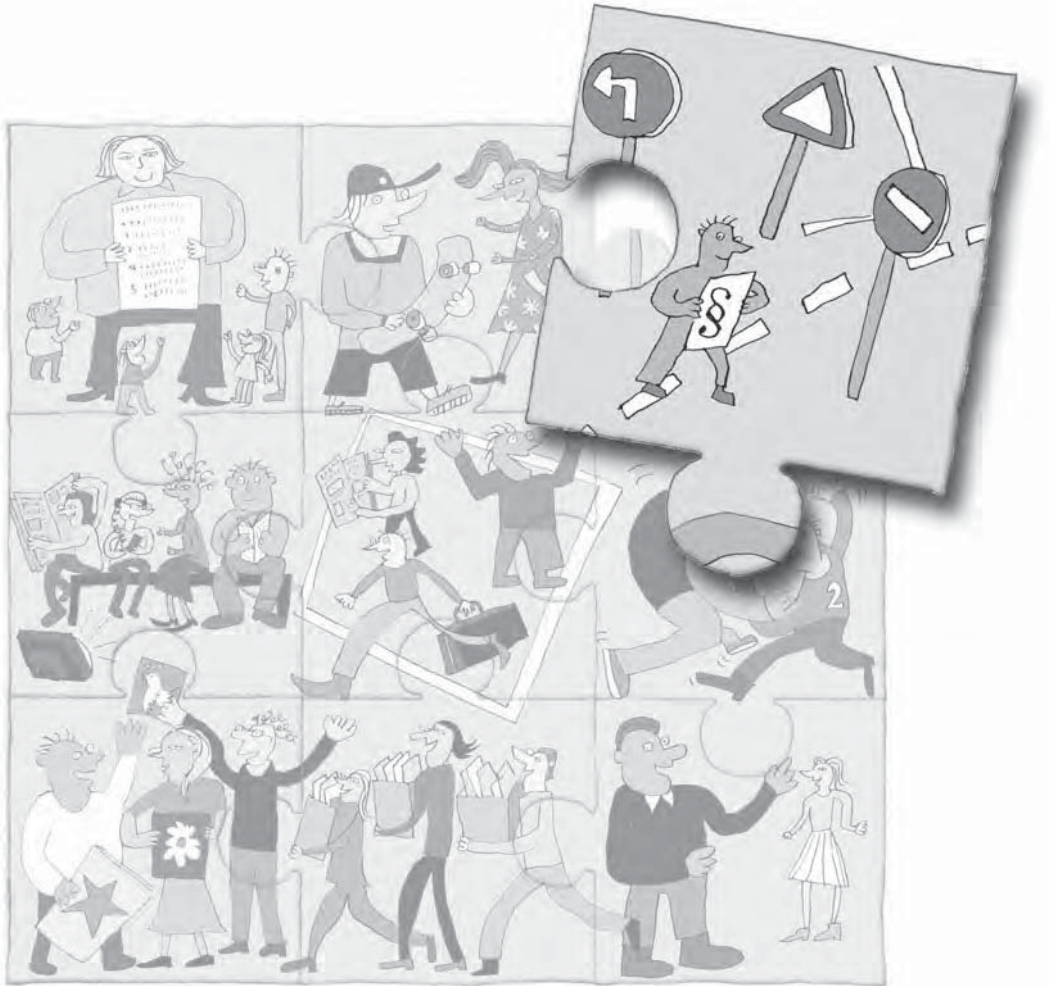


## UNIT 8

### Rules and law

What sort of rules  
does a society need?



#### 8.1 Good law – bad law

What makes a good law?

#### 8.2 At what age?

How should the law apply to young people?

#### 8.3 You make the law

How do you deal with young offenders?

#### 8.4 Rules of evidence

What evidence should count in a court of law?

## **UNIT 8: Rules and law**

### **What sort of rules does a society need?**

Laws of some kind are essential for the fair and efficient running of any society. Laws apply in all situations, to everyone within the community of a country – although there are certain groups, such as children, who are not affected by some laws until they reach a certain age.

One of the ways in which the law can be divided up is into what is known as civil and criminal law. Civil law provides a way of settling disputes between individuals and groups of people. Criminal law covers behaviour that the state has decided must be discouraged or prevented.

Laws can never be perfect, however. They are human creations and sometimes need changing. They may become out of date, ineffective or be simply unfair on certain groups in society.

Law can never be divorced from politics. For it is within political systems that laws are made and changed. In a democratic political system it is important that all citizens are able to have an equal say about this. It is also important that the law is applied equally to all citizens, and that no one is above the law. This concept is sometimes known as the rule of law.

Finally, laws should comply with human rights. This is important in order to make sure that laws are fair and that they are not abused as a means of oppression or dictatorship. Most democratic systems therefore rely on written constitutions that provide a human rights framework that stands above the laws of the country. Some countries have also established constitutional courts to decide whether laws are in line with the constitution or not.

#### **Learning for Education for Democratic Citizenship and Human Rights**

Through this series of lessons students will:

- develop a greater understanding of the concept of law and its importance in a democratic society;
- recognise that the main purpose of law is to help people and protect society;
- develop a greater respect for the idea of the rule of law;
- find out more about the legal system in their own country.

## UNIT 8: Rules and law

### What sort of rules does a society need?

Lesson title	Objectives	Student tasks	Resources	Method
Lesson 1: Good law – bad law	To be aware of and understand the factors that determine what makes a good law.	To discuss school rules and identify what makes a good school rule. To discuss laws and identify what makes a good law. To examine critically an area of law in their country, e.g. laws on alcohol. To propose and justify their own new school rule or law.	Two cards for each student – one labelled with a letter “A” (in green), the other with a letter “B” (in red). Handout – Laws on alcohol in our country Markers and a large sheet of paper for each group of 4-6 students. Flip chart or a large piece of paper for display in class.	Small group work and class discussion.
Lesson 2: At what age?	To examine how the law applies to young people.	To work out the legal ages at which young people become entitled to take part in different adult activities. To consider how appropriate the current law is for young people.	Three large signs labelled “A”, “B” and “C” put up on three different walls of the classroom. Copies of student handout 8.1 – one for every two students. Marker pens and a large piece of paper each for group of 4-6 students.	Pair work, small group work and class discussion.
Lesson 3: You make the law	To examine the question of whether young people who have broken the law should be punished at all, and if so, how.	To consider the different factors that come into play when deciding what is a fair punishment for a crime.	A copy of the story and extra information for the teacher	Small group work and class discussion.
Lesson 4: Rules of evidence	To understand the rules of evidence in a court of law.	To consider the kind of evidence that should count in a court of law and the kind of evidence it would be wrong to use.	Discussion cards (student handout 8.2) for each group of 4-6 students	Small group work and class discussion.

**Lesson 1****Good law – bad law****What makes a good law?**

<b>Learning objective</b>	To be aware of and understand the factors that determine what makes a good law.
<b>Student tasks</b>	To discuss school rules and identify what makes a good school rule. To discuss laws and identify what makes a good law. To examine critically an area of law in their country, e.g. laws on alcohol. To propose and justify their own new school rule or law.
<b>Resources</b>	Two cards for each student – one labelled with a letter “A” (in green), the other with a letter “B” (in red). Handout – Laws on alcohol in our country. Marker pens and a large piece of paper each for group of 4-6 students. Flip chart or a large piece of paper for display in class.
<b>Method</b>	Whole class discussion and small group work.

**Information box**

The method used in this lesson is known as “inductive learning”. This is where the teacher helps students to understand abstract principles by basing them on concrete examples. The lesson begins with such examples – in this case examples of rules or laws – and students are encouraged to draw out general principles from these. Here, the principles are the criteria that can be applied to rules or laws to judge whether they are good laws or not: Are they fair? Are they useful? Are they for the good of all? Can the police enforce them? Are they simple to understand and obey?

Where specific material is needed, for example, laws on alcohol as they apply in the country, the teacher or the students have the task of feeding this material into the lesson.

## The lesson

The teacher begins the lesson by giving each of the students two cards – one labelled with a large letter “A” (in green) and the other with a large letter “B” (in red).

The teacher explains to the students that they are going to hear some imaginary school rules and they should decide whether they think these would be good rules or bad rules. For good rules they should hold up card “A”, and for bad rules card “B”.

The teacher reads out the imaginary school rules one by one. Each time, the students must hold up one of their cards – depending on what they think of the rule. The rules used could include:

- homework is banned;
- no bullying;
- students should have to pay to come to school;
- no chewing gum to be brought to school;
- students must like all their teachers;
- students should be able to choose which classes to go to;
- older teachers should have an easier timetable;
- no mobile phones in school.

For each one, the teacher should ask two or three different students to justify their decisions:

- Why do you think it is a good/bad rule?

The students’ ideas should not be further discussed or commented on at this stage.

Then the teacher should divide up the class into groups of 4-6 and ask the students to try to pinpoint the factors that make a school rule a good one:

- What makes a good school rule?

The groups should present their ideas to the class as a whole.

Next, the teacher repeats the whole exercise with the class – reading out statements, the students holding up their cards and justifying their decisions, etc. – but this time focusing on imaginary laws, rather than school rules. The laws used could include:

- all citizens should have to follow the same religion;
- murder is wrong;
- no telling lies;
- junk food should be banned;
- citizens should be allowed to decide for themselves which side of the road they drive on;
- women should be paid the same as men.

Then the teacher should ask the students to return to their groups and try to pinpoint the factors that make a law a good one:

- What makes a good law?

The groups should present their ideas to the class as a whole. In doing so, the teacher should try to steer student thinking towards a number of key criteria that can be applied to laws and that help to make them good laws. They include:

- fairness – justice and equality, such as equal pay for men and women;
- usefulness – making society run smoothly, such as laws on driving to make roads safer;

- common good – not just supporting the interests of particular groups, such as the wealthy;
- enforceability – the majority are willing to obey them, police are able to catch those who break them;
- simple – easy to understand and to obey, not too complicated.

When the class has agreed on these criteria, they should be displayed in the classroom on a flip chart for everyone to see. The title for the display should be “What makes a law a good law?”.

The teacher should then ask the students, in their groups, to study a law or area of law from their country (such as the laws on alcohol). This material should be provided on a handout. If more time is available, the students can obtain other material that they are interested in, for example, the rights and duties of children and teenagers. The groups are each given marker pens and a large piece of paper and asked to prepare a presentation to the class on whether they think the law(s) they have chosen are good laws or not – using the principles they have previously identified and that are displayed on the classroom wall.

Groups make their presentations to the class.

As a final exercise or a homework assignment, students could be asked to propose a new law or a new school rule on a topic of their choosing, such as the environment, and to prepare arguments for its introduction in terms of the key principles they have identified.

**Lesson 2****At what age?****How should the law apply to young people?**

<b>Learning objective</b>	To examine how the law applies to young people.
<b>Student tasks</b>	To work out the legal ages at which young people become entitled to take part in different adult activities in their country. To consider how appropriate the current law of their country is for young people.
<b>Resources</b>	Three large signs labelled “A”, “B” and “C” put up on three different walls of the classroom. Copies of student handout 8.1 – one for every two students. Marker pens and a large piece of paper each for groups of 4–6.
<b>Method</b>	Pair and small group work and whole class discussion.

**Information box**

This lesson involves a lot of physical activity. If you think this is inappropriate for your students, the main exercise can be adapted so that students remain seated at their desks – for example, voting with a show of hands, or holding up cards “A”, “B” or “C”, instead of moving to different parts of the classroom.

## The lesson

The teacher begins the lesson by asking the class if they think it is fair to have a law making young people go to school, when there is no law like this for adults:

- Do you think it is fair to have a law that forces young people to go to school? Why or why not?

The teacher then divides the students into pairs and gives them a questionnaire (student handout 8.1) to fill in. The questionnaire relates to the legal age at which young people become entitled to take part in different adult activities in their country.

The teacher asks for some volunteer pairs to read out one of their answers. After each answer, the teacher pauses and, if necessary, corrects the students' answer. The students then write down the correct answer on their questionnaires.

For each answer, the teacher should ask the pairs:

- What do you think? Is this age:
  - a) too low?
  - b) too high?
  - c) about right?

The teacher gives the pairs a minute to think and decide, then asks them to move to a different part of the room depending on their answer. (The teacher has already put up large signs labelled "A", "B" and "C" to show the students where to stand.)

The teacher then asks randomly chosen pairs to explain their thinking to the class and to justify their opinions. The teacher also gives other students an opportunity to question them about their decision.

To end this section of the lesson, the teacher asks:

- Do you think it is fair that the law treats young people differently from adults? Why or why not?

The teacher then divides up the class into groups of 4-6 students and gives each group marker pens and a large piece of paper. The teacher asks the groups to think of a change in the law in their country that would benefit young people. They can propose an entirely new law – for example, that every school should have a student parliament or a minimum wage for young people at work, or they can propose a change in the existing law – for example, about the law on the voting age or the age for obtaining a driving licence. Each group should prepare a presentation to the class on their chosen topic, outlining their arguments and exactly how they think their law would benefit young people. After the presentations, the class can take a vote as to which group's suggestion was the best.

As a final exercise or for homework, students should consider the steps that they, as young people, or as a school group, can take to persuade the government to accept the change(s) in the law that they are proposing.



**Lesson 3****You make the law****How do you deal with young offenders?**

<b>Learning objective</b>	To examine the question of whether young people who have broken the law should be punished at all, and if so, how.
<b>Student tasks</b>	To consider the different principles – retribution, deterrence, rehabilitation – that come into play when deciding what is a fair punishment for a crime committed by a young person.
<b>Resources</b>	A copy of the story and extra information for the teacher.
<b>Method</b>	Small group work and whole class discussion.

## Conceptual learning: three basic principles on the purpose of punishment

While lesson 2 focused on civil law, this lesson will look at criminal law, focusing on the issue of whether or not to punish young offenders and if so, how to punish them. The basic question in the theory of punishment is, “why punish?”. This question has been answered in different ways throughout the course of history and changes in scientific and philosophical thinking. Three principles relating to the purpose of punishment have emerged.

1. **Retribution.** Punishment is related to guilt and responsibility. A criminal deserves to be punished, and society expresses its disapproval for the crime. This concept also provides a standard of proportion, thereby protecting the criminal from over-severe punishment. The objective is to restore justice.
2. **Deterrence.** The punishment sends a message to potential criminals in society, discouraging them from turning to crime, as the “pain” of punishment outweighs the benefit. The objective is to prevent crime by others.
3. **Rehabilitation.** A crime is perceived as a cry for help. The criminal needs treatment rather than punishment and the objective is to help him not to commit further crimes in the future by integrating him in society.

Penal systems around the world differ considerably in the way they balance these three principles, both for adults and young offenders. Generally speaking, many countries have given rehabilitation priority over the principles of retribution and deterrence. But not all countries are moving in this direction. Closely linked to the question of rehabilitation is the issue of where to draw the line between young and adult offenders. The Council of Europe has called for the age limit to be fixed at 18, and has referred to the Children’s Rights Convention of 1989 to justify this (see background information for teachers).

This lesson provides an introduction to the three key concepts of punishment outlined above. Once again, an inductive approach is applied. The students deal with a case study about a young offender and discover the different principles of punishment, their implications and the need for balance. The teacher may outline the concepts in a brief lecture during or after the discussion in class.

This lesson may open the door to a follow-up project that would require approximately two further lessons. The students could use the concepts they have learnt in this lesson to describe the balance that has been struck by the penal legislation for young offenders in their country.

## The lesson

The teacher begins the lesson by dividing the students into groups of 4-6. The teacher explains that the rule of law includes the principle that judges should be bound by the law when imposing a penalty on a criminal or offender. In this lesson, the students will look at the way such laws should be designed when dealing with young offenders. They are going to hear a story about a crime and each group has to imagine that they are members of parliament who have to pass the law that lays down the punishment the criminal should receive.

The teacher tells the students the basic story and gives them an opportunity to decide as groups what they think would be a fair punishment for Tom. The groups present their ideas to the class as a whole.

Then the teacher gives the groups some extra pieces of information. After each piece of new information, the groups are given an opportunity to change their mind about the punishment they had originally planned.

At the end of the activity, the teacher asks each group to present their ideas to the class:

- What punishment do you think Y should have? Why?
- Did any of the extra information make you change your mind about your original decision? If so, how?

The teacher then brings all the students together in a plenary session and asks:

- What sort of factors should the law take into account when deciding on the punishment to be given to someone convicted of an offence?
- Do you think the law should treat young people differently from adults? Why or why not?

As a final exercise or for homework, the teacher asks students to think of a case they have heard about – on TV, in the papers or one that has happened locally – where a young person who has broken the law has been given a punishment that they think is either:

- a) too harsh; or
- b) too lenient.

Students should write a short piece about their chosen example and present it to their peers in the next lesson, outlining the factors in the case that led to their opinion about it. One example would be a case involving someone having a car accident under the influence of alcohol.

## You make the law

*“Leonard and Tom were both 15 and went to the same school. They had known each other for many years, but they had never really got on.*

*One day, Tom’s mobile phone went missing and he blamed Leonard for stealing it. Leonard said he hadn’t stolen it, but said that Tom was jealous of him because he had lots of friends and Tom didn’t have any.*

*After school that day, there was a fight. Tom drew a knife even though Leonard was unarmed. During the fight Tom cut Leonard’s face so badly that it left him with a scar for the rest of his life.”*

## Task

What do you think would be a fair punishment for Tom? Discuss this question in your group and then write down what punishment the law should provide for this kind of offence.

## Extra information

1. Tom had been brought up very strictly, and had been repeatedly beaten by his father.

Does this affect your view about Tom's punishment? If so, how? Change your draft law if necessary.

2. Tom was isolated in his class and had nobody who would listen to his problems.

Does this affect your view about Tom's punishment? If so, how? Change your draft law if necessary.

3. Leonard really had stolen Tom's mobile phone and he had actually started the fight because Tom had reported the theft of the mobile phone to the police.

Does this affect your view about Tom's punishment? If so, how? Change your draft law if necessary.

4. Leonard was the leader of a gang who had been bullying Tom for months. The gang had beaten Tom up more than once, hitting him with sticks, chains and a metal bar. This gave Tom nightmares and he was even afraid to go to school.

Does this affect your view about Tom's punishment? If so, how? Change your draft law if necessary.

5. Tom's father had tormented Tom by repeatedly telling him that he was too soft and that he should stand up to bullies like Leonard.

Does this affect your view about Tom's punishment? If so, how? Change your draft law if necessary.

6. Tom only got out the knife to frighten away the bullies. He never meant to use it. Twenty other young people were standing around at the time, all encouraging the boys to fight.

Does this affect your view about Tom's punishment? If so, how? Change your draft law if necessary.

7. A teacher had seen Tom bring his knife to school two days before the fight, but he did not ask Tom about it.

Does this affect your view about Tom's punishment? If so, how? Change your draft law if necessary.

The students appoint spokespersons for their groups, who then present their draft laws to the class. It may be expected that they all will be aware of the dilemmas involving conflicting objectives and principles of justice such as the following.

- How do we show that society disapproves of such behaviour?
- How do we make sure that school is a place where violence is banned?
- How harshly must we punish someone like Tom to discourage others, such as Leonard's gang, from also using knives?
- Tom's behaviour is a cry for help and he could not choose the family in which he was raised. How can we help Tom so that he feels happier and has no need to fight with knives in future?

The teacher can sum up this discussion up by linking these questions to the three principles of retribution, deterrence and rehabilitation. By referring to the Children's Rights Convention, the teacher can propose that priority to be given to rehabilitation.

If time allows and the students are interested, this issue can be taken further. If they disagree on the question of how to balance the different principles of punishment, this debate should be continued. If they agree on the principle of rehabilitation, they can study how the law in their country takes the three principles of retribution, deterrence and rehabilitation into account.

**Lesson 4****Rules of evidence****What evidence should count in a court of law?**

Learning objective	To understand the rules of evidence in a court of law.
Student tasks	To consider the kind of evidence that should count in a court of law and the kind of evidence it would be wrong to use.
Resources	Discussion cards (student handout 8.2) for each group of 4-6 students.
Method	Small group work and class discussion.

**Information box**

One of the key elements in any system of criminal justice is a set of rules that determines what kinds of evidence should and should not be used in a court of law in order for a trial to be a fair one. For example, is it fair to use “hearsay” evidence (that is, evidence not directly experienced by a witness but reported to them by someone else), evidence obtained as a result of torture or the threat of violence or evidence obtained through “leading questions”, that is, questions which put words into a witness’s mouth?

## The lesson

The teacher begins the lesson by presenting the following provision from the ECHR (1950), both orally and in written form on the blackboard or a flip chart:

“Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.”

*European Convention of Human Rights (1950), Article 6, No. 2*

The teacher invites the students to explain this provision. The teacher may add the category of initial presumption of innocence. The students should understand the importance of this principle for a fair trial, and should learn that an accused person may only be convicted if sufficient evidence has been given to prove his or her guilt. In this lesson, the students will look at rules of evidence in a court of law.

The students should form groups of 4-6.

The teacher then tells the groups about a criminal trial that is taking place. It concerns a young man called Manuel, who is accused of stealing a car belonging to a Mr Kay. The car disappeared from outside Mr Kay’s house late one evening and was discovered abandoned outside the village next morning. It had been doused in petrol and set on fire. Manuel was arrested by the police later in the week and charged with theft and criminal damage.

The teacher then gives each of the groups a set of discussion cards. Each of the cards contains a piece of evidence that the prosecution is using in court to try to prove that Manuel is guilty.

The teacher asks the groups to:

- put the pieces of evidence in order – from strongest to weakest;
- decide whether any pieces of evidence should be ruled out all together because either they are irrelevant or unfair.

The groups present their ideas to the rest of the class and try to agree on those pieces of evidence that should be accepted and those that should be ruled out altogether.

The teacher asks the students to return to their groups and consider:

- What questions would you like the court to put to these witnesses or to Manuel now? Why?
- Are there any kinds of question that it would be unfair for the court to ask them? If so, what kinds and why?

The groups present their ideas and the class, working collectively, tries to draw up lists of types of evidence and types of questions that they think it would be wrong to use in a court of law.

If time allows, this lesson can lead to a research task. For homework, the students are asked to research the rules of evidence that apply in criminal trials in their country and present their findings to the class in the next lesson.

## **Student handout 8.1**

### **A questionnaire: at what age?**

At what age does the law in your country allow young people to:

1. Have a driving licence?
2. Get married?
3. Vote in elections?
4. Join the army?
5. Pay tax?
6. Stand for political office?
7. Be put in prison?
8. Leave school?
9. Adopt a child?

## Student handout 8.2

### Discussion cards

<p>A police officer tells the court that Manuel confessed he had stolen the car when he was being questioned at the police station.</p>	<p>A young man tells the court that Manuel is always bragging about stealing cars.</p>
<p>A young girl tells the court that she overheard a friend of hers talking to Manuel on his mobile phone. Her friend was talking to Manuel about stealing Mr Kay's car.</p>	<p>Mr Kay tells the court that he thinks Manuel must be the chief suspect as he had borne a grudge against the Kay family ever since Mr Kay stopped Stefan from seeing his daughter.</p>
<p>One of Manuel's teachers tells the court how he caught Stefan stealing from school several times when he was at school.</p>	<p>Manuel has no one to back up his alibi that he was alone at home on the evening the car was stolen.</p>
<p>When asked by the prosecutor, "Did you see a young man like Manuel driving away the car that evening?", a neighbour of the Kay's told the court, "Yes, I did."</p>	



## 8.1 Background information for teachers

### Integration, not criminalisation

*Thomas Hammarberg, Commissioner for Human Rights, Council of Europe*

In most European countries, teenagers are not dominant in the overall crime statistics. Also, juvenile crime rates remain more or less stable from year to year across our continent.

This does not mean that the problem is insignificant. A worrying trend reported from several countries is that some crimes committed by young offenders have become more violent or otherwise more serious. This is a warning signal in itself. (...).

There are two different trends for the moment in Europe. One is to reduce the age of criminal responsibility and to lock up more children at younger ages. The other trend is – in the spirit of the UN Convention on the Rights of the Child – to avoid criminalisation and to seek family-based or other social alternatives to imprisonment.

I am going to argue for the second approach. In that I am supported not only by the UN Convention but also by the European Network of Children's Ombudspersons. In a statement [in] 2003 no less than 21 national ombudspersons stressed that children in conflict with the law are first and foremost children who still have human rights.

They proposed that the age of criminal responsibility should not be lowered but raised – with the aim of progressively reaching 18 – and that innovative systems of responding to juvenile offenders below that age should be tried with a genuine focus on their education, reintegration and rehabilitation.

The Convention of the Rights of the Child – ratified by all European states – asks governments to establish a minimum age below which children shall be presumed not to have the capacity to infringe the penal law. The treaty does not spell out at which precise age the line should be drawn. However, the Committee monitoring the implementation of the Convention has expressed concern about the low age in several countries. In most European states, children are held criminally responsible between 12 and 15 or 16, but there are also examples of age limits as low as seven, eight and 10.

Though the message of the Convention on the Rights of the Child is that criminalisation of children should be avoided, this does not mean that young offenders should be treated as if they have no responsibility. On the contrary, it is important that young offenders are held responsible for their actions and, for instance, take part in repairing the damage that they have caused.

The question is what kind of mechanism should replace the ordinary criminal justice system in such cases. The procedures should recognise the damage to the victims and it should make the young offender understand that the deed was not acceptable. Such a separate juvenile mechanism should aim at recognition of guilt and sanctions which rehabilitate.

It is in the sanction process that we find the difference to an ordinary criminal procedure. In juvenile justice there should be no retribution. The intention is to establish responsibility and, at the same time, to promote reintegration. The young offender should learn the lesson and never repeat the wrongdoing.

This is not easy in reality. It requires innovative and effective community sanctions. In principle, the offender's parents or other legal guardian should be involved, unless this is deemed counter-productive for the rehabilitation of the child. Whatever the process, there should be a possibility for the child to challenge the accusations and even appeal.

An interesting procedure for "settlements" has been introduced in Slovenia. There, a case of an accused juvenile can be referred to a mediator if this is agreed by the prosecutor, the victim and

the accused. The mediator then seeks to reach a settlement which would be satisfactory to both the victim and the accused and a trial can thereby be avoided.

One aspect should be further stressed: the importance of a prompt response to the wrongdoing. Delayed procedures – which [are] a problem in several European countries today – are particularly unfortunate when it comes to young offenders whose bad actions should be seen as a cry for immediate help. (...)

*Thomas Hammarberg, Commissioner for Human Rights, Council of Europe, excerpt from “The human rights dimension of juvenile justice”, a presentation given at the Conference of Prosecutors General of Europe, Moscow, 5-6 July 2006. Source: <http://www.coe.int/t/commissioner/>*

## 8.2 Background information for teachers

### Convention on the Rights of the Child

*Adopted by the General Assembly of the United Nations on 20 November 1989*

#### “Article 37

States Parties shall ensure that:

- (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;
- (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;
- (c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child’s best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;
- (d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.”

#### “Article 40

- (...) 3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:
  - (a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;
  - (b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.
- 4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.”

Source: Rolf Gollob/Peter Krapf: *Exploring children’s rights. Lesson sequences for primary schools.* EDC/HRE, Vol. V, Strasbourg 2007, pp. 77ff.

For further reading: Cyndi Banks, *Criminal justice ethics*, Thousand Oaks, 2004. A PDF version of Chapter 5, The Purpose of Criminal Punishment, is available at <http://www.sagepub.com>.