

monthly NEWSLETTER

YOUTH BAR ASSOCIATION

APRIL 2026



Message From our Founder

Welcome to April's edition of the newsletter! As we move into spring, the intersection of law, technology, and youth rights has never been more active, and I'm so pleased to see so many young people getting involved with the YBA! We are looking forward to a Q&A with Jack Rankin at the start of this month and a debate later on! I hope you all enjoy this edition of the newsletter, and thank you to everyone who keeps the Youth Bar Association thriving!

Bella Frewin, President and Founder of the Youth Bar Association

Message From the Editor

Welcome to the ninth edition of the newsletter! With our one-year anniversary just around the corner next month, we're excited to bring you another issue filled with engaging content. This edition marks the return of featured pieces submitted by our dedicated members. Looking ahead, we'll be hosting a webinar with Jack Rankin on the 8th, as well as a debate on voting rights for under-18s on the 15th. As always, we hope you enjoy the read, and don't forget to sign up for our upcoming events!

Ari Allana Blunt, Vice President of Publications & Outreach

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UPCOMING EVENTS!

WEBINAR – 8TH OF APRIL – 2PM – SIGN UP [HERE](#)

The YBA is hosting Jack Rankin MP to discuss british politics, how to break into the field, and youth in politics.

DEBATE – 15TH OF APRIL – 12PM – EMAIL TO APPLY

Should 16 year olds be given the right to vote?

Email: info@youthbaruk.org to apply

FEATURED CONTENT

The Waxing and Waning of Democracy: Chile and Brazil

Situated in Latin America's Southern Cone, Brazil and Chile share regional, economic, demographic, and authoritarian similarities. Nevertheless, Brazil's democracy stands in sharp contrast to Chile's. Authoritarian breakdown does not automatically equate to immediate democratization; in fact, more than half of autocratic collapses since 1946 have failed to establish democracy. What ultimately shapes democratic health are three key factors: party system institutionalisation (PSI), electoral systems, and authoritarian legacies.

Party system institutionalisation is a defining factor that distinguishes democratic stability from democratic decline, and its significance is clearly exemplified in Chile. The country is marked by low levels of electoral volatility, which fosters stable, programmatic party competition. This relationship highlights how low volatility supports consistent ideological competition, allowing voters to remain anchored to parties or coalitions that effectively represent their views. These features are central to Chile's strong PSI. From its transition to democracy to 2004, Chile recorded an electoral volatility score of 12.82, in stark contrast to Brazil's 32.51. This indicates that Chilean voters demonstrate greater loyalty to parties and coalitions, enhancing political representation.

By contrast, Brazil's party system fails to adequately represent the electorate, as reflected in its high electoral volatility and weak programmatic competition—key indicators of low institutionalisation. The high volatility underscores how frequently voters shift their support between parties, suggesting that they do not feel ideologically represented. Rather than reflecting healthy competition, this instability signals an ongoing search for adequate representation. Additionally, the lack of clear political stances points to shallow party roots, undermining democratic consolidation. The absence of programmatic competition, combined with high volatility, has weakened PSI and contributed to democratic erosion in Brazil. This case demonstrates how the absence of institutionalised party systems can pave the way for democratic decline.

FEATURED CONTENT

The Waxing and Waning of Democracy: Chile and Brazil

Finally, electoral systems play a crucial role in shaping democratic outcomes. In Brazil, the use of open-list proportional representation requires voters to select individual candidates rather than parties. This creates a separation between candidates and party organisations, concentrating power in the hands of political elites and weakening accountability. The system also enables smaller parties to gain representation, incentivising elites to fragment into numerous small parties to secure seats. This has contributed to a rise in the Effective Number of Parliamentary Parties (ENPP), driven largely by elite incentives. Politicians benefit from controlling smaller, state-level parties, which provide direct access to campaign resources and enhance personal electoral prospects.

This fragmentation has undermined democratic stability. A higher number of parties in Congress complicates coalition-building and governance, as negotiations between actors with divergent interests become increasingly difficult. This stands in stark contrast to Chile's former binomial electoral system, which promoted stability by encouraging coalition formation. The system marginalised smaller parties and pushed them into larger blocs—primarily the Concertación and the Alianza—thereby maintaining a relatively fixed ENPP of around 3.1. This structure enhanced governability and reduced fragmentation.

In conclusion, democracy declines when party system institutionalisation, electoral systems, and authoritarian legacies fail to create conditions that support stability, accountability, and effective representation. The contrasting experiences of Chile and Brazil clearly illustrate this dynamic. To improve its democratic health, Brazil would need to reform its electoral system in order to reduce elite incentives for fragmentation and strengthen programmatic competition. More broadly, these cases invite reflection on the condition of other democracies, such as the United States, and raise important questions about the factors contributing to democratic erosion elsewhere.

Written By: Yvette Asante

FEATURED CONTENT

The English Legal System: To What Extent Does It Ensure Fair Trials and Justice for All Individuals?

In my view, the English legal system establishes a strong framework for ensuring fairness in criminal trials. Central to this framework is the presumption of innocence, which requires that defendants are treated as innocent until proven guilty. Consequently, the burden of proof rests on the prosecution, which must establish guilt beyond reasonable doubt, helping to minimise wrongful convictions (Slapper and Kelly, 2020). In serious criminal cases, the use of jury trials allows ordinary members of society—such as doctors, teachers, and elderly individuals—to determine the likelihood of guilt, promoting transparency and limiting excessive state power. Furthermore, Article 6 of the European Convention on Human Rights, incorporated into domestic law through the Human Rights Act 1998, guarantees the right to a fair and public hearing, with appropriate legal representation before an independent and impartial tribunal (European Convention on Human Rights, 1950). I strongly believe these safeguards collectively create a clear structural framework for fairness, ensuring that defendants are afforded procedural protection and that trials are conducted openly and justly. Overall, these mechanisms demonstrate the system’s commitment to procedural fairness and accountability.

I also find that the careful definition of criminal liability illustrates how fairness operates in practice. While the actus reus of murder is generally straightforward, the meaning of intention has historically been contested. Earlier cases, such as *R v Maloney* and *Hancock v Shankland*, provided inconsistent guidance, creating uncertainty for juries when assessing oblique intention (Slapper and Kelly, 2020). This position was clarified in *R v Woollin* [1999], where the House of Lords confirmed that intention can only be established where death or serious injury was a virtual certainty and was foreseen as such by the defendant. Crucially, foresight allows a jury to infer intention rather than requiring it, thereby preserving judicial discretion and preventing automatic liability (Woollin, 1999). In my view, this demonstrates that the English legal system not only defines offences clearly but also ensures that defendants are treated justly in serious criminal cases.

FEATURED CONTENT

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Despite these protections, I recognise that limitations remain. The Woollin test has been criticised for blurring the distinction between foresight and intention, potentially risking convictions for consequences that the defendant did not truly desire (Slapper and Kelly, 2020). Moreover, practical barriers such as limited legal aid and inequality of resources can disadvantage certain defendants, particularly those unable to afford skilled legal representation. Access to justice is therefore not uniform, as individuals with fewer resources may struggle to challenge complex legal arguments or evidential inferences. These issues highlight that procedural safeguards alone are insufficient to guarantee fairness, as socio-economic factors continue to shape how justice is experienced in practice.

In conclusion, I strongly believe that the English legal system demonstrates a significant commitment to fair trials through foundational principles such as *actus reus* and *mens rea*, alongside procedural protections including the presumption of innocence, jury trials, and Article 6 ECHR rights. Cases such as *R v Woollin* illustrate how the system seeks to ensure fairness by clarifying complex legal concepts while preserving jury discretion. However, limitations remain, particularly in relation to access to justice and inequality of resources. While the system provides a robust framework to promote fairness, achieving true justice for all individuals requires addressing these practical barriers and ensuring that legal protections are genuinely accessible to everyone.

By Owais Imran

Citations

European Convention on Human Rights, 1950. Convention for the Protection of Human Rights and Fundamental Freedoms. Strasbourg: Council of Europe.

Slapper, G., and Kelly, D., 2020. The English Legal System, 20th edition. London: Routledge.

R v Woollin [1999] 1 AC 82. Cambridge University Supervisions Criminal Law.

R v Maloney [1985] 1 WLR 1025.

Hancock v Shankland [1986] AC 455.

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