# Topic Exploration Pack

# Rights in conflict

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## Instructions for teachers

These instructions cover the student activity section which can be found on **page 18**. This Topic Exploration Pack supports OCR GCSE (9‒1) Citizenship Studies.

**When distributing the activity section to the students either as a printed copy or as a Word file you will need to remove the teacher instructions section.**

### Learning outcome

This topic is part of the theme ‘rights and responsibilities’ but also introduces learners to aspects of the law, democracy and government.

By studying this topic, learners will develop their knowledge and understanding of:

* Democracy, democratic values, and the rights, equalities and freedoms that underpin democratic societies.
* Challenges to democratic systems of government.
* The potential conflict between rights to security and rights to privacy.
* The potential conflict between tolerance and rights to freedom of expression.

Learners can apply their knowledge and understanding from different parts of the specification to the following citizenship questions and issues:

* What is the nature of democratic government?
* Why are democratic societies challenged?
* How far should privacy be infringed to safeguard security?
* To what extent is it possible to balance tolerance with rights to free expression?

Learners have the opportunity to develop the following skills linked to the specification’s assessment objectives:

* Applying knowledge and understanding to different contexts (AO2).
* Analysing information to help develop an understanding of citizenship issues and debates (AO3).
* Advocating a viewpoint using evidence (AO3).
* Evaluating a viewpoint to reach a reasoned conclusion (AO3).

### Introduction

This is a controversial topic which explores the nature of democracy as a political system and some of the tensions that occur in democracies.

The principles of democratic government are not as widely accepted as some might want to believe. This Topic Exploration Pack acknowledges criticisms of democracy but also seeks to bring those principles that underpin democracy into sharper focus.

Many young people in the UK may know little of the principles that underpin democracy. Others may be sceptical about what democracy stands for.

This topic exploration pack seeks to serve the needs of both these groups while encouraging deeper analysis by those more familiar with the nature of representative democracy in the UK. It focuses on two key controversial questions of our time:

* How much privacy should we sacrifice to ensure high levels of personal security?
* Should those who champion free speech also have the right to ‘offend’?

There is no shortage of information and commentary on these issues. This pack makes reference to a very small proportion of available material, selected because of its accessibility to school students and because it contributes to a reasonably balanced approach to these difficult issues.

Some learners, especially those with a faith background, may approach their studies with particularly strong opinions. The pack has been designed to enable all learners to explore and refine their own opinion through research, analysis and reasoned argument.

### Section 1: Democracy

### Teacher introduction

Democracy means ‘rule of the people’. Each person with voting rights has a part to play in decision-making. Decisions in some early democracies were made at frequent meetings of all citizens. These simple systems of government evolved into the representative democracies experienced by most of the world’s people today. In some democratic countries citizens have opportunities for more direct engagement in decision-making through participation in frequent referendums. Switzerland is one example. Digital technology now enables direct forms of democracy to be used more easily but take up has been limited so far. Nevertheless, it would be a mistake for learners to assume that direct democracy died with the ancient Greeks.

Effective democratic societies depend on a high level of trust between citizens and government. This trust depends on widespread commitment to the following democratic values:

1. Personal freedom

People in democratic societies are free to put promote their ideas, stand for election and criticise governments. Writers and the media enjoy freedom of expression. They can communicate new ideas and criticise established thinking.

1. Tolerance and respect for diversity

In democracies everyone is encouraged, or even required, to respect other people’s race, gender, culture, religion, political beliefs and sexual orientation. All people’s opinions and ideas are listened to as long as they don’t encourage hatred or discrimination against others.

1. Equal opportunity

In democratic societies everyone should have equal chances to: participate in decision-making; to form or join political parties, pressure groups and trade unions; and to protest.

1. The rule of law

Law should apply equally to everyone whatever their wealth, status or background.

Rights, equalities and freedoms

Democratic societies are underpinned by specific rights, equalities and freedoms. These are identified by the Universal Declaration of Human Rights (1948) <http://www.un.org/en/universal-declaration-human-rights/index.html> and by the European Convention on Human Rights (1950) [and Protocol 1, 1952, which establishes the human rights that should apply across Europe] <http://www.echr.coe.int/Documents/Convention_ENG.pdf>.

United Kingdom (UK) includes a commitment to these rights and freedoms in the Human Rights Act (1988) <http://www.equalityhumanrights.com/your-rights/human-rights/what-are-human-rights/human-rights-act> and in the Equalities Act (2010) <https://www.gov.uk/government/publications/easy-read-the-equality-act-making-equality-real>

As a response to terrorism linked to ‘the troubles’ in Ireland and, more recently, to the threat of terrorism from Islamic fundamentalists, UK Governments have placed limits on certain democratic rights and freedoms. Examples include the Counter-Terrorism and Security Act (2015).

### Activities

1. Introduce learners to the nature of democracy and the four democratic values listed above.
2. Ask learners to use [**Resource 1** on page 17](#_Resource_1:_Democracy’s) to help them connect the four democratic values with articles from the Universal Declaration of Human Rights or the UK Human Rights Act. Learners can also use [**Resource 1**](#_Resource_1:_Describing) to identify which Universal Declaration of Human Rights (UDHR) articles might be limited by the Counter-Terrorism and Security Act (2015).
3. Ask learners to use the ‘easy-read version’ of the 2010 Equality Act to describe the nine ‘protected characteristics’ and the types of discrimination outlawed by the Act. Ask them to explain why such laws are important in a democracy.

### Section 2: Challenges to democratic systems of government

### Teacher introduction

Winston Churchill’s famous quote that *‘****Democracy*** *is the* ***worst*** *form of government, except for all the others’* serves as a reminder that democracy is not without its critics even though it has emerged as the most popular form of government in the world. Three of the main criticisms of democratic government are outlined below.

Criticism 1 – Democratic forms of government are not ‘rule by the people’

Switzerland’s direct democracy with its frequent referendums and high levels of accountability perhaps comes closest to the ideal of ‘rule by the people’.

In the UK, there are several factors that cause public opinion not to be fully reflected in the decisions made by governments:

* the governing party usually has the support of under thirty percent of those citizens entitled to vote (see the OCR Topic Exploration Pack on elections)
* full Parliamentary elections are held only every five years and there are few referendums
* the media is controlled by relatively few wealthy individuals who can influence public opinion to their advantage and ignore minority viewpoints.

However, there have been moves to engage citizens more fully in the democratic process:

* changes to the voting age and the way in which voting takes place
* citizenship education in schools
* referendums on important constitutional issues such as Scottish independence and European Union membership
* greater devolution of power from London
* public petitions with guarantees that issues will be responded to.

Three international ranking systems check how far democratic governments ‘measure up’ to democratic principles.

* *Democracy Ranking* from the Alpen-Adria University in Austria
* *Democracy Index* from The Economist Intelligence Unit, based in the UK
* *Democracy Barometer* from the Swiss National Science Foundation.

*Democracy Ranking* measures the *quality of politics* and the *quality of society* to decide how far a country is democratic. According to *Democracy Ranking* the two are linked. If people are fully involved in decision-making, then their society should become a satisfying place to live. The UK is ranked 12th out of 113 countries in this ranking. Find *Democracy Ranking* at <http://democracyranking.org/>

Criticism 2 – Democratic governments oppress minorities

Where a majority group are in control of a country, the needs and views of minority groups might be disregarded. This ‘tyranny of the majority’ can be justified as being ‘democratic’ and representing ‘the will of the people’ even though the human rights of the minority group could be under threat. Such dangers have been recognised by the United Nations through the Universal Declaration of Human Rights and, in Europe, through the European Convention on Human Rights. Nevertheless, there are still numerous examples of governments using a democratic mandate to abuse their position. Malcolm X, the American civil rights campaigner speaking in 1964, was one of the first to focus on the issue of majority abuse of power in a democratic country and to link ‘democracy’ with ‘hypocrisy’.

<https://www.youtube.com/watch?v=qNfAFfu6VD0> Malcolm X’s position is similar to that articulated by some minority groups today.

|  |
| --- |
| ***Malcolm X, 1964:****But don't scare Negros today with no badge, or no white skin, or no white cheek, or no white anything else. The police the same way, they put their club upside your head, and then turn around and accuse you of attacking them. Every case of police brutality against a Negro follows the same pattern. They attack you, bust you all upside your mouth, and then take you to court and charge you with assault. What kind of democracy is that? What kind of freedom is that? What kind of social or political system is it when a black man has no voice in court? Has no nothing on his side, other than what the white man chooses to give him? My brothers and sisters, we have to put a stop to this. And it will never be stopped until we stop it ourselves. They attack the victim, and then the criminal who attacked the victim accuses their victim of attacking him. This is American justice. This is American democracy. And those of you who are familiar with it know that in America, democracy is hypocrisy. Now if I'm wrong, put me in jail. But if you can't prove that a democracy is not hypocrisy, then don't put your hands on me.* |

Criticism 3 – Democratic forms of government lead to moral decay and encourage people to turn away from religious teachings

Decisions made in democracies tend to reflect the opinions of those citizens who engage in the political process. No particular moral or religious code is used as a guide to decision-making. Whatever the majority agree to value is given a value. This is unacceptable to those who believe that religious doctrine, rather than the decisions of a secular parliament, should be the source of law and the ultimate guide to behaviour.

Concerns about democracies’ tendency towards moral relativism are shared by people from different faiths. Some Christians have found it difficult to accept parts of the 2010 Equality Act because sections of the Bible condemn homosexuality while the Equality Act protects gay rights. For example, some Christian guest house owners have found their rights to follow the teachings of their religious faith in conflict with gay people’s rights to be free from discrimination. This 2014 news item illustrates the problem <http://www.bbc.co.uk/news/uk-wales-mid-wales-26632753>

Similarly, some Muslims have found UK law, customs and traditions contradict their interpretations of the Koran, particularly over the role of women in society. In an attempt to be loyal to their faith, some Muslim groups have arranged for Sharia law to run alongside UK law in their communities. Over eighty Sharia councils have been established across the UK. This is a very similar approach to that adopted by some Jewish communities in Britain. Jewish law bodies have operated for centuries, offering rulings on many of the same civil disputes now being tackled by the Sharia councils. For a balanced approach to the issue of Sharia law in the UK see Russia TV’s website <https://www.rt.com/uk/328366-uk-sharia-court-law/>

Moves to establish an Islamic state and to replace democratic governments with governments based on a strict interpretation of Koranic law reflect a desire to assert the primacy of religious doctrine over secular law and to challenge the concept of human rights as established by the United Nations.

### Activities

1. Ask learners to use the Excel data file ‘Comprehensive Scoreboards and Scoreboards for the Dimensions’ from *Democracy Ranking* at <http://democracyranking.org/>. (Learners may need help sorting and analysing this dataset if they are unfamiliar with the Excel program. It may also be helpful to select an extract from the dataset for classroom use.)
2. Learners should use [**Resource 2** on page 18](#_Resource_2:_Democracy) to record the percentage scores on each criterion relevant to the UK, Switzerland, China and one other country of their choice.
3. Learners should identify those measures where there the UK seems to be performing well and where there is most scope for the UK to improve its performance.
4. Having identified areas for improvement, learners could discuss and record possible actions for the UK Government.

(One of the specification’s requirements is for learners to consider different political systems. This introduction to democracy could be extended into a more detailed comparison of politics and government in the UK, Switzerland and China. Such a comparison could end with an evaluation of Churchill’s famous quote about democracy – above.)

1. Ask learners to consider the proposition that democracy = hypocrisy. Use the YouTube extract from Malcolm X’s speech <https://www.youtube.com/watch?v=qNfAFfu6VD0> and / or the text-based alternative above to introduce this proposition.

Learners could use [**Resource 3** on page 19](#_Resource_3:_Information) to record their findings and conclusions.

* What is meant by the statement ‘democracy = hypocrisy’?
* How can it be justified?
* What actions can and should democratic governments take to address the problem? (This could be a small group exercise using the easy-read version of the Equality Act as an initial stimulus.) <https://www.gov.uk/government/publications/easy-read-the-equality-act-making-equality-rea>

1. Ask learners to consider how far government should be based on a religious doctrine or on democratic values. Can it be a mixture of the two?
2. Learners could start by analysing the news item about the Christian guest house owners <http://www.bbc.co.uk/news/uk-wales-mid-wales-26632753>.

(This is one of several similar articles available online. In this article, the owners claim to be differentiating between their customers on the basis of marital status rather than sexual orientation. The courts found against them because, at that time, it was not possible for gay couples to marry and so it could be said that they were discriminating on the basis of sexual orientation.)

* Ask learners to describe the rights at stake in this case and explain why those rights are in conflict.
* Ask learners to explain whether they think UK courts made the correct decision in this case.

1. Learners could now consider whether Sharia Councils should be allowed in the UK. The Russia TV article is a good introduction to the issue <https://www.rt.com/uk/328366-uk-sharia-court-law/>.

There is a wide range of online material for and against the use of Sharia Law in the UK – careful selection is needed to avoid racist and misleading sources.

One focus should be on gender equality – safeguards on women’s rights in Sharia law are less strong than in UK law. (See ‘What isn’t wrong with Sharia law’ by Maryam Namazie <http://www.theguardian.com/law/2010/jul/05/sharia-law-religious-courts>)

Learners may take the opportunity to question Muslim, Jewish or Christian faith leaders about this issue. They could also explore the more general matter of religious doctrine and secular law – what are the main areas of tension and conflict for a person of faith in the UK, and how might they be resolved?

1. Learners should now be in a position to make a judgement on a viewpoint such as “Secular law should have priority over religious doctrine in a democratic society.”\*

\*There is an opportunity here to teach learners how to write an effective evaluation with a reasoned conclusion. Use the appropriate marking guidance from the evaluation question on the Sample Question Papers (J270/02 or J270/03) to support your teaching.

### Section 3: Rights in conflict – security vs privacy

### Teacher introduction

Learners completing activities 1 and 2 will have been introduced to the conflicts between the right to personal security and rights connected with personal freedom. Activity 3 has a slightly different focus involving the tensions between rights to personal security and privacy.

***The UK Human Rights Act on rights to privacy***

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| **Article 8: Right to privacy**  Everyone has the right for his private and family life, his home and his correspondence\*.  There shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.  \* ‘Correspondence’ includes communication by letter, phone, fax or email  Source: <http://www.legislation.gov.uk/ukpga/1998/42/schedule/1/part/I/chapter/7> |

The Human Rights Act enables the Government to monitor ‘correspondence’ provided it can show that this is necessary and ‘proportionate’ in order to: protect national security or public safety, protect the economy, protect ‘health and morals’, prevent disorder and crime, or protect the rights and freedoms of others.

A ‘proportionate’ response to a problem is one that is no more than is necessary, is appropriate and not excessive in the circumstances.

In 2015, parliament approved the Counter-Terrorism and Security Act. This required internet service providers and mobile phone operators to retain more information and hand it over to the authorities on request, allowing the security services to match specific IP addresses to individual computers. The Act also sought to address concerns about privacy by clarifying the powers of government and parliament to monitor surveillance by government agencies. The Counter-Terrorism and Security Act supplemented previous legislation, the Regulation of Investigatory Powers Act (2000), that allows Government Communications Headquarters (GCHQ) to intercept broad categories of material authorised by a government minister.

GCHQ’s website summarises details of their work as well as career opportunities within the organisation <http://www.gchq.gov.uk/Pages/homepage.aspx>. By 2012, GCHQ was handling 600million ‘telephone events’ each day. In 2013, the Guardian exposed the scale of GCHQ’s monitoring and suggested that this was not ‘proportionate’ under the terms of the Human Rights Act. <http://www.theguardian.com/uk/2013/jun/21/gchq-cables-secret-world-communications-nsa>

There is general agreement that the UK has one of the most sophisticated and extensive communication monitoring operations in the world. While used currently to prevent terrorism and crime, including sexual crimes against children, there have been concerns that a government could use such monitoring to supress legitimate opposition to its policies. In March 2015, the Intelligence and Security Committee of Parliament produced a special report on the tensions between security and privacy. This neatly summarised the dilemma facing the UK Government (The committee’s press release is particularly accessible for learners.) <http://isc.independent.gov.uk/>

Other potentially useful sources include:

* George Osborne’s speech to GCHQ in November 2015 outlines the threat of cyber attacks and the importance of surveillance for security. <https://www.youtube.com/watch?v=8YTXdaBvZZc> (George Osborne’s clear and accessible speech starts about 15 minutes in – after a short introduction by the head of GCHQ.)
* An interesting and accessible source that questions the UK Government’s bulk collection of data is Al Jazeera’s The Listening Post broadcast – *UK surveillance under scrutiny* (use the first twelve minutes) <https://www.youtube.com/watch?v=eK6BPMJTbW0>
* Glenn Greenwald, an American journalist speaks about privacy on YouTube making the case for why people need to care about privacy, even if they’re ‘not doing anything they need to hide.’ Consider playing the video from 5 minutes in and be aware that learners will need help understanding and recording all Greenwald’s points. <https://www.youtube.com/watch?v=pcSlowAhvUk>

### Activities

1. Introduce learners to Article 8 of the Human Rights Act. Ask them to suggest why rights to privacy are important in a democracy and how these rights link to rights such as freedom of expression and freedom of association. Ask them to explain why the Human Rights Act contains exceptions to the right to privacy.
2. Introduce learners to the work of GCHQ by asking them to describe its mission and activities from the GCHQ website <http://www.gchq.gov.uk/Pages/homepage.aspx>
3. Ask students to consider the information and viewpoints in Resource 3 and to sort these on the chart provided to show, in order of their significance:

* sources that support the current levels of GCHQ monitoring activity
* sources that oppose the current levels of GCHQ monitoring activity
* sources that are neutral but provide useful information on GCHQ’s work and how that is monitored by Parliament.

(It will be useful to separate the ten sources so that they can easily be divided up among learners, and analysed and sorted more effectively.)

1. Ask learners to conduct further research as preparation for advocating **either** support for GCHQ’s current level of monitoring or opposition to current levels of GCHQ monitoring.
2. Ask learners to design a presentation of their finding and conclusions using slides, audio/video, text or speech. (This can be an individual or group activity.)\*

\*There is an opportunity here to teach learners how to advocate a viewpoint. Use the appropriate marking guidance from the advocacy questions on the Sample Question Papers (J270/02 or J270/03) to support your teaching.

### Section 4: Rights in conflict – freedom of speech vs tolerance

### Teacher introduction

*“I disapprove of what you say, but I will defend to the death your right to say it.” (*Voltaire, French writer and philosopher, 1759). According to Voltaire, free speech can be inconvenient, uncomfortable and even threatening but free speech should be defended.

More recently, British author, Philip Pullman, and Times columnist, David Aaronovitch, have made a similar point even more strongly. They argue that we should resist attempts to limit free speech by those who claim to be ‘offended’ by it. Aaronovitch applies this particularly to attempts by Islamists to threaten free speech through violence and the threat of violence. Aaronovitch is also concerned about the National Union of Students’ 2015 campaign to ban potentially offensive newspapers, magazines and speakers from university campuses.

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| *‘It was a shocking thing to say and I knew it was a shocking thing to say. But no one has the right to live without being shocked. No one has the right to spend their life without being offended. Nobody has to read this book. Nobody has to pick it up. Nobody has to open it. And if you open it and read it, you don't have to like it. And if you read it and you dislike it, you don't have to remain silent about it. You can write to me, you can complain about it, you can write to the publisher, you can write to the papers, you can write your own book. You can do all those things, but there your rights stop. No one has the right to stop me writing this book. No one has the right to stop it being published, or sold, or bought, or read.’* **Philip Pullman, British writer**  Quote from this website: <http://www.goodreads.com/quotes/244828-it-was-a-shocking-thing-to-say-and-i-knew> |

**The legal position on free speech in the UK is based on the Human Rights Act (1988)**

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| --- |
| ***Human Rights Act, 1988 – Article 10: Freedom of expression***  *1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without inference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.*  *2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.*  Source: <http://www.legislation.gov.uk/ukpga/1998/42/schedule/1/part/I/chapter/9> |

Further legislation clarifies the exceptions to free expression, particularly the references in Article 10 about ‘health and morals’ and ‘the protection of the reputation or rights of others’. The aim was to uphold people’s right to expect tolerance and to be free from harassment and offensive behaviour of any kind. The Public Order Acts of 1986 and 1994 made it an offence to use freedom of expression to ‘incite racial hated’.

Section 5 of the Public Order Act 1986 made it an offence to use ‘threatening, abusive or insulting words or behaviour, or disorderly behaviour’ or to display ‘any writing, sign or other visible representation which is threatening, abusive or insulting’ within the hearing or sight of a person ‘likely to be caused harassment, alarm or distress thereby’. There is also an offence in section 4A of the Act which is very similar to that in section 5, except that, in this case, the ‘harassment, alarm or distress’ must have actually and deliberately been caused to a person. This makes it a more serious version of the section 5 offence, and the maximum penalty is six months’ imprisonment, a fine of £5,000 or both.

Section 5 proved controversial because if someone seemed to have intended to cause offence, even if nobody was actually offended, a complaint could be made and the police could take action. Subsequent cases illustrated the unintended reach of the legislation. Section 5 has been used to arrest religious campaigners against homosexuality, a British National Party member who displayed anti-Islamic posters in his window and people who have sworn at the police. Police arrested and charged a student for calling a police horse “gay” – charges were later dropped. Hotel owners were charged (although later acquitted) following a religious discussion with a Muslim guest. These cases were among those that alarmed free speech campaigners and many MPs. A campaign to reform Section 5 by decriminalising the use of “insulting” words was successful and the law was changed in 2013. For a video explaining the campaign see – <http://www.secularism.org.uk/reform-section-5.html>

UK law now permits speaking or writing that might insult and offend. Christianity has no special protection as it did before 2008 when it was illegal to insult the Christian religion under laws prohibiting blasphemy. See 2008 news item from the *Daily Telegraph* <http://www.telegraph.co.uk/news/1942668/Blasphemy-laws-are-lifted.html>

Pressure groups *Liberty* and *Index on Censorship* continue to oppose any attempts to restrict free speech. This has included campaigning against the *National Union of Students’* ‘safe space’ and ‘no platform’ policies which have resulted in bans on those newspapers, magazines and speakers thought to be offensive.

For a *Newsnight* discussion with David Aaronovitch, representing the *Index on Censorship*, and Toke Dahler of the *National Union of Students* see <https://www.youtube.com/watch?v=MNRFzqQCUY8>

### Activities

1. Ask learners to analyse the quotations from Voltaire and Philip Pullman. What do these say about free speech? What responsibilities does each of the writers think citizens have in promoting and protecting free speech?
2. Ask learners to analyse Article 10 of the Human Rights Act. (Most will need support with this.) Ask them to use [**Resource 4** on page 21](#_Resource_4:_Free) to link legal restrictions on free speech with appropriate examples.
3. Ask learners to study the news item ([**Resource 5**, page 22](#_Resource_5)) – ‘Muslim sisters see terror recruiters jailed after confronting them in the street’. Ask them to identify:

* the human rights being defended by the sisters
* how and why ‘freedom of expression’ was restricted by law in this case.

1. Ask learners to study a version of the Teacher Introduction above and view a short video on the reform of section 5 of the Public Order Act <http://www.secularism.org.uk/reform-section-5.html>
2. Ask learners to summarise the arguments in favour of reforming Section 5.
3. Ask learners to describe the arguments for showing respect to religion using the resources below:

* President Obama’s State of the Union Address, 2016, stating that it is wrong to insult Muslims <https://www.youtube.com/watch?v=Uguji3IN2Dw>
* The Pope’s position on free speech, January 2015 – following the attack on the Charlie Hebdo magazine staff in Paris <https://www.youtube.com/watch?v=f2mGRorYKWg>
* A short video promoting tolerance and respect for all religious beliefs <https://www.youtube.com/watch?v=vu7ihfNuerc>

1. Discuss with learners the case for and against criminalising speech and writing that offends or insults religion. Ask learners to describe other ways, apart from making laws, to encourage respect for people’s belief and religion.
2. Ask learners to view the Newsnight debate between David Aaronovitch and Toke Dahler on ‘safe space’ and ‘no platform’ policies in British Universities. <https://www.youtube.com/watch?v=MNRFzqQCUY8>

This debate can be supplemented with the following text-based resources:

Tom Carter of Index on Censorship against ‘no platform’ policies <https://www.indexoncensorship.org/2015/08/tom-carter-no-platforming-nigel/>

Web pages from a selection of British university student unions promoting ‘no platform’ policies. Try <http://www.brookesunion.org.uk/policy-and-governance/current-policy/no-platform-policy>

and a short video on the attempt to ban Donald Trump from visiting the UK in 2016 because of his views on Muslim immigration to the USA, summarised at <http://www.bbc.co.uk/news/uk-politics-35347169>

Learners can use [**Resource 6** (page 23)](#_Resource_6) to summarise the points on both sides of this argument prior to moving on to Activity 5.

1. Learners could evaluate the following statement from Lord Patten, Chancellor of Oxford University, 'Freedom of argument and debate should be unchallenged principles.'

### Suggested answers to worksheet questions for teachers

### Resource 1: Democracy’s four key values

| **Connections between democracy’s four key values and international law and UK law** | | | |
| --- | --- | --- | --- |
| **Democracy’s values** | **Articles from the Universal Declaration of Human Rights** | **Articles from the UK Human Rights Act** | **UDHR articles that may be limited by counter-terrorism and security laws** |
| **Personal freedom** | Almost all the articles connect with personal freedom | Almost all the articles connect with personal freedom | UDHR 3, 9, 11, 12, 13, 14, 15, 18, 19 |
| **Tolerance and respect for diversity** | 2, 7, 15, 22, 23, 25, 26, 29 | 9, 10 |  |
| **Equal opportunity** | 2, 7, 10, 22, 23, 25, 26, 27 | 14 and protocol 1 (article 2) |  |
| **The rule of law** | 2, 7, 10, 11 | 3, 5, 6 and 7 | UDHR 7, 10, 11 |

### Resource 2: Democracy ranking

| **Criteria** | **Percentage scores on the Democracy Ranking 2013/14** | | |
| --- | --- | --- | --- |
|  | **UK**  **(Ranked 12th)** | **Switzerland**  **(Ranked 2nd)** | **China**  **(Ranked 106th)** |
| **Overall score** | 80.0 | 87.0 | 40.8 |
| **Political system** | 88.1 | 92.4 | 27.5 |
| **Economy** | 60.4 | 80.4 | 47.2 |
| **Environment** | 68.5 | 81.1 | 50.3 |
| **Gender equality** | 82.9 | 80.7 | 68.7 |
| **Health** | 72.7 | 87.1 | 66.1 |
| **Knowledge** | 68.1 | 78.8 | 38.8 |

### Resource 3: Information and viewpoints

Priority ordering of the viewpoints in each column is, to some extent, a matter of judgement.

| **Information and viewpoints on security vs privacy** | | |
| --- | --- | --- |
| **Support current levels of GCHQ monitoring** | **Oppose current levels of GCHQ monitoring** | **Neutral** |
| C | A | J |
| H | E | B |
| I | F |  |
| D | G |  |

### Resource 4: Free speech restrictions

| **Restrictions on free speech included in the 1988 Human Rights Act** | |
| --- | --- |
| **Circumstances where free speech may be restricted** | **Examples** |
| National security | **E** A government employee leaks top secret security codes to a foreign embassy |
| Territorial disorder or crime | **C** A journalist writes a magazine article explaining ways to commit bank card fraud against elderly people |
| Protection of health or morals | **B** A person sets up an internet chat room designed to encourage grooming of young people for sex. |
| Protection of the reputation or rights of others | **F** A news reporter wrongly accuses a celebrity of shoplifting. |
| Preventing the disclosure of information received in confidence | **A** A government employee is given an early draft version of a controversial report so that he can check it for errors. He copies it and sends it to Sky News. |
| Maintaining the authority and impartiality of the judiciary | **D** A jury member writes an article about confidential discussions in the jury room and criticises a judge for her summing up |

### Resource 5: Newspaper article

|  |
| --- |
| **Human rights being defended:** |
| **E.g. Freedom of thought** |
| **How and why ‘freedom of expression’ was restricted by law in this case:** |
| **e.g.** *The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security [….] for the protection of health or morals, for the protection of the reputation or rights of others.*  Source: <http://www.legislation.gov.uk/ukpga/1998/42/schedule/1/part/I/chapter/9> |

### Resource 6: Evaluating the ‘No platform’ and ‘safe space’ policies

| **Freedom of speech**  **– should newspapers, magazines and speakers be banned if people find their views offensive?** | |
| --- | --- |
| **Arguments in favour** | **Arguments against** |
| People should never feel at risk or unsafe because of other people’s views or presence | In a democratic society it’s important for people to discuss controversial issues |
| People have a right to decide who they are or are not going to have in their university, town or country | People could ban speakers with unpopular views by using the excuse that they feel ‘unsafe’ |
| We should not encourage views that are racist, homophobic, etc. | People should not be protected against views they don’t like. This stops people speaking freely and gives people a restricted experience of debate and discussion |

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# Topic Exploration Pack

# Rights in conflict

## Student activity section

### Resource 1: Democracy’s four key values

Complete this chart to show which articles from either the Universal Declaration of Human Rights (UDHR) or the UK Human Rights Act connect with democracy’s four key values. Use the final column to record which UDHR articles may be restricted by counter-terrorism and security laws.

Find a copy of UDHR at <http://www.un.org/en/universal-declaration-human-rights/index.html>

Find a copy of the UK Human Rights Act at <http://www.equalityhumanrights.com/your-rights/human-rights/what-are-human-rights/human-rights-act>

A news summary of the 2015 Counter-Terrorism and Security Bill can be found at <http://www.telegraph.co.uk/news/worldnews/islamic-state/11254950/Counter-terrorism-Bill-What-it-contains.html>

| **Connections between democracy’s four key values and international law and UK law** | | | |
| --- | --- | --- | --- |
| **Democracy’s values** | **Articles from the Universal Declaration of Human Rights** | **Articles from the UK Human Rights Act** | **UDHR articles that may be limited by counter-terrorism and security laws** |
| **Personal freedom** |  |  |  |
| **Tolerance and respect for diversity** |  |  |  |
| **Equal opportunity** |  |  |  |
| **The rule of law** |  |  |  |

### Resource 2: Democracy ranking

Use this table to record the percentage scores in the *Democracy Ranking* (2013/14) for each of the three countries listed and one country of your choice. The *Democracy Ranking* can be found via <http://democracyranking.org/> (Ask your teacher to help find the information you need.)

Use a green highlighter to show criteria where the UK seems to be performing particularly well and a red highlighter to show the UK Government may need to improve.

Discuss and record possible improvement measures the Government might take in the UK.

| **Criteria** | **Percentage scores on the Democracy Ranking 2013/14** | | | |
| --- | --- | --- | --- | --- |
| **UK (Ranked 12th)** | **Switzerland (Ranked 2nd)** | **China (Ranked 106th)** | **Country of your choice (Ranked )** |
| **Overall score** |  |  |  |  |
| **Political system\*** |  |  |  |  |
| **Economy** (Wealth, inflation, government debt and employment) |  |  |  |  |
| **Environment** (Carbon dioxide emissions, sustainable use of energy) |  |  |  |  |
| **Gender equality** (Similar levels of life expectancy, education and employment for men and women) |  |  |  |  |
| **Health** (Infant mortality, percentage of country’s wealth spent on health care) |  |  |  |  |
| **Knowledge** (School and college enrolment, internet access, personal communication) |  |  |  |  |

\*Aspects included in the ‘political system’ category:

**Political rights:** Is everyone able to vote regularly and in secret, stand as a candidate and join a political party?

**Civil liberties:** Personal freedom, tolerance and respect for diversity, equal opportunity, the rule of law.

**Gender equality:** This includes political empowerment. Are women fairly represented in the executive, the legislature and the judiciary?

**Press freedom:** Can the media express itself freely without censorship or restriction?

**Lack of corruption:** Are there laws against unfair political and business deals which apply to everyone? Are the laws enforced?

**Peaceful changes of government:** Do political parties and heads of state respect election results?

| **Possible areas for improvement of UK democracy** | **Suggested changes** |
| --- | --- |
|  |  |
|  |  |
|  |  |

### Resource 3: Information and viewpoints

|  |
| --- |
| **A** ‘*Mass surveillance is a violation of our fundamental rights. Intercepting millions of communications every day, and secretly receiving millions more from the National Security Agency (USA’s equivalent to GCHQ) by the back door is neither necessary nor proportionate*.’ **Carly Nyst, Legal Director of the pressure group *Privacy International*** |
| **B ‘***…we have a process that allows us to select a small number of needles in a haystack. We are not looking at every piece of straw. There are certain triggers that allow you to discard or not examine a lot of data so you are just looking at needles. If you had the impression we are reading millions of emails, we are not. There is no intention in this whole programme to use it for looking at UK domestic traffic – British people talking to each other*.’ **Anonymous GCHQ employee quoted by the *Guardian* newspaper** |
| **C** *A person with knowledge of intelligence argued that the data was collected legally under a system of safeguards, and had provided material that had led to significant breakthroughs in detecting and preventing serious crime. Examples include: the arrest and imprisonment of a cell in the Midlands who were planning co-ordinated attacks; to the arrest of five Luton-based individuals preparing acts of terror, and to the arrest of three London-based people planning attacks before the 2012 Olympics*. **Extract adapted from the *Guardian* 21st June 2013.** |
| **D** ‘*…we should unite against extremism using all modern tools appropriately, if we have nothing to hide,**we have nothing to fear*.’ **Richard Graham, Conservative MP for Gloucester, November 2015** |
| **E** ‘*We live in an age where the data governments can access about us is so great that we believe anyone monitoring us will be able to tell that we're upstanding citizens. We're unlikely to be blamed for a murder we didn't commit if GCHQ has all our Whatsapps and our dropped pins and our check-ins. No one could comb through our Pinterest pages and decide we're a legitimate threat to national security. Except that, of course, they could. We don't decide what makes someone an enemy of the state - the state does.*’ **Barbara Speed, writing in the New Statesman, November 2015** |
| **F** ‘*The use of and access to surveillance by UK public bodies is regulated by the Regulation of Investigatory Powers Act 2000 (RIPA). Liberty believes this broad and confusing framework must be overhauled to ensure intrusions into personal privacy are all properly authorised and comply with human rights principles of necessity and proportionality.*’ **James Welch, Legal Director for pressure group *Liberty*** |
| **G** *GCHQ and the NSA are able to access and process vast quantities of communications between entirely innocent people, as well as targeted suspects. This includes recordings of phone calls, the content of email messages, entries on Facebook and the history of any internet user's access to websites – all of which is considered legal, even though interception is supposed to be limited to a specified range of targeted individuals.* **Extract adapted from the *Guardian* 21st June 2013.** |
| **H** *‘The threats to our country in cyber space come from a range of places – from individual hackers, criminal gangs, terrorist groups and hostile powers. To all of them I have a clear message. We will defend ourselves. But we will also take the fight to you too. We are increasingly confident in our ability to determine from where attacks come … we need to ensure that our military are equipped to fight the wars of the 21st Century. That means they need to be prepared for hybrid conflicts, played out in cyberspace as well as on the battlefield.’* **George Osborne, Government minister, November 2015** |
| **I ‘***We said we would strengthen independent and parliamentary scrutiny of the agencies. And we have by making the Intelligence and Security Committee (ISC) a statutory committee of Parliament; giving it the scope to take evidence from any Department; and giving it the power to require information from the Agencies. I regard the independent scrutiny and oversight that the ISC provides as a particular and significant strength of the British system.’* **Philip Hammond, Government minister,** **March 2015** |
| **J** ‘*Given the extent of targeting and filtering involved, it is clear that while GCHQ’s bulk interception capability may involve large numbers of emails, it does not mean that blanket or indiscriminate surveillance is taking place. GCHQ is not collecting or reading everyone’s emails: they do not have the legal authority, the resources, or the technical capability to do so. In terms of how bulk interception affects people in the UK, we have found that bulk interception cannot be used to search for and examine the communications of an individual in the UK unless GCHQ first obtain a specific authorisation naming that individual, signed by a Secretary of State.’* **Extract adapted from the report on Privacy and Security by the Intelligence and Security Committee of Parliament, March 2015.** |

**Organising chart**

Sort each of the sources above into the following categories.

* Supporting the current levels of GCHQ monitoring activity.
* Opposing the current levels of GCHQ monitoring activity.
* Are neutral but provide useful information on GCHQ’s work and how that is monitored by Parliament.

Place the most significant sources at the top of each column.

| **Information and viewpoints on security vs privacy** | | |
| --- | --- | --- |
| **Support current levels of GCHQ monitoring** | **Oppose current levels of GCHQ monitoring** | **Neutral** |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

### Resource 4: Free speech restrictions

Link the restrictions on free speech from the 1988 Human Rights Act with the listed examples.

| **Restrictions on free speech included in the 1988 Human Rights Act** | |
| --- | --- |
| **Circumstances where free speech may be restricted** | **Examples** |
| National security |  |
| Territorial disorder or crime |  |
| Protection of health or morals |  |
| Protection of the reputation or rights of others |  |
| Preventing the disclosure of information received in confidence |  |
| Maintaining the authority and impartiality of the judiciary |  |

**Examples**

|  |
| --- |
| **A:** A government employee is given an early draft version of a controversial report so that he can check it for errors. He copies it and sends it to Sky News. |
| **B:** A person sets up an internet chat room designed to encourage grooming of young people for sex. |
| **C:** A journalist writes a magazine article explaining ways to commit bank card fraud against elderly people |
| **D:** A jury member writes an article about confidential discussions in the jury room and criticises a judge for her summing up |
| **E:** A government employee leaks top secret security codes to a foreign embassy |
| **F:** A news reporter wrongly accuses a celebrity of shoplifting. |

### Resource 5: Newspaper article

Study the extract below. Use your knowledge and understanding of the 1988 Human Rights Act to identify:

* the human rights being defended by the sisters
* how and why ‘freedom of expression’ was restricted by law in this case.

|  |  |
| --- | --- |
| **Muslim sisters see terror recruiters jailed after confronting them in street** *Extract adapted from the Daily Telegraph 23rd January, 2016* | |
| A Muslim doctor and her sister helped convict two Islamic State supporters after confronting them in the street and taking photographs of their leaflets. A, aged 36, and her sister, R, aged 24, challenged the men after they had set up a stall in Oxford Street, London, promoting the terror group.  Despite being subject to abuse and told to “go die”, the pair who are British Iraqis, took pictures of the men and later formally identified them.  Anderson, aged 38, and Khan, aged 62, face prison after being convicted of inviting support for a banned organisation. | Giving evidence in the trial, sister R said, “I had told my sister if we see the ISIL black flag again, I’m going to do something, we have to do something.” Anderson asked the sisters, “What’s wrong with promoting jihad (holy war)”.  Counter-terrorism chiefs last night urged others to follow the sisters’ example. The women’s father praised his daughters for standing up to the ideas of Islamic State. “I’m very proud. We have to support such actions if we are to prevail.”  Reproduced with permission from Telegraph Syndication. |

|  |
| --- |
| **Human rights being defended:** |
|  |
| **How and why ‘freedom of expression’ was restricted by law in this case:** |
|  |

### Resource 6: Evaluating the ‘No platform’ and ‘safe space’ policies

Use the chart below to summarise arguments for and against the introduction of ‘no platform’ and ‘safe space’ policies.

Use the following sources of information:

* the *Newsnight* debate between David Aaronovitch and Toke Dahler on ‘safe space’ and ‘no platform’ policies in British Universities. <https://www.youtube.com/watch?v=MNRFzqQCUY8>
* Tom Carter of Index on Censorship against ‘no platform’ policies <https://www.indexoncensorship.org/2015/08/tom-carter-no-platforming-nigel/>
* web pages from a selection of British university student unions promoting ‘no platform’ policies. Try <http://www.brookesunion.org.uk/policy-and-governance/current-policy/no-platform-policy>
* short video on the attempt to ban Donald Trump from visiting the UK in 2016 because of his views on Muslim immigration to the USA, summarised at <http://www.bbc.co.uk/news/uk-politics-35347169>

| **Freedom of speech**  **– should newspapers, magazines and speakers be banned if people find their views offensive?** | |
| --- | --- |
| **Arguments in favour** | **Arguments against** |
|  |  |
|  |  |
|  |  |