

Individual - Government relationship in various political systems

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Topic

Comparison of civil liberties and human rights regulations in democratic and non-democratic political systems.

Context

The Activity Plan is designed for a group of maximum 30 young people at the age of 16 and older. It might be applicable in history (esp. 20th century), social science, civic education and similar courses or during workshops at events like a Human Rights Day at school.

Aim

The participants get an understanding of the meaning and importance of specific civil liberties and human rights.

Learning Outcome

Participants are able to name the civil liberties and human rights crucial to be observed in democracy.

Participants understand and are able to provide arguments as to how civil liberties and human rights should be protected legally (regulated) in a political system in order to actually be observed and safeguarded.

Participants recognize the red flags that pose a threat to democracy and human rights nowadays.

Material & Equipment Needed

Movie/newspaper/article/interview/extract from a book presenting an extreme example of a non-democratic regime.

Short passages describing functioning democracy (Material A)

Duration

90 minutes

Activity Plan Overview (Process):

Introduction (20 min.):

Presentation of an extreme example of a totalitarian/authoritarian system (short movie, newspaper article, extract from a book, interview) – done by the teacher; nothing too descriptive – just a bit dramatic, unbelievable – to make students wonder, how it comes to such situations, what makes them possible.

After the presentation of the material, the teacher initiates a short discussion to find out the students' initial thoughts and feelings about how the state limits the individuals' rights and what makes it possible for the state to do, as well as about how the society might react to such infringements of human rights.

The example might be an event from the history of the students' own country, but the teacher can also choose one of the internationally known episodes of civil society – government confrontations, e.g.:

Tiananmen Square uprising:

<https://www.youtube.com/watch?v=AgSjn2xmOC4>

(fragment of “The Dawn of the Eye: the History of Film and TV News”, episode “The Global Eye (Embattled Witness): 1989 – 1997”

<https://www.youtube.com/watch?v=umPVL4XuJoQ>

(Tiananmen Square 25 years later, CNN news coverage)

<https://www.youtube.com/watch?v=kMKvxJ-Js3A>

(Archive: Chinese troops fire on protesters in Tiananmen Square – BBC News)

<https://www.youtube.com/watch?v=VbKroPF3W5Q>

(“It happened in Tiananmen Square – Al Jazeera English Documentary)

North Korea:

<https://www.youtube.com/watch?v=ufhKWfPSQOw>

(Escaping from North Korea in search of freedom, Yeonmi Park at One Young World speech

<https://www.youtube.com/watch?v=Gqvwc0E2IQ4>

(interview with Yeonmi Park, author of “In Order to Live: A North Korean Girl’s Journey to Freedom”)

https://www.youtube.com/watch?v=f3e_9CEFGs8

(Hyeonseo Lee explains her struggles of escaping North Korea)

Nazi Germany:

<https://www.youtube.com/watch?v=WVUAIPMsZ60>;

<https://www.youtube.com/watch?v=3RV14xFAFvg>

(What was life like for young people in Nazi Germany?)

<https://www.youtube.com/watch?v=hC05SbnDRSc> (Nazi policies towards women)

Cambodia:

<https://www.youtube.com/watch?v=3rtSZTVZvfs> (The Most Evil Man in History: Pol Pot)

<https://www.youtube.com/watch?v=yy8sw9pBJ6c> (Former Khmer Rouge soldier faces up to past)

<https://www.youtube.com/watch?v=iAiDAgLclbY> (BBC Timewatch – Pol Pot:

The Journey to the Killing Fields)

Main part (50 min.):

A. Group work (20 min.)

Participants get together in groups of maximum five (six group's altogether).

Each group receives a short passage describing functioning democracy in one of the six areas in a fictional state of Demokratia (Material A):

- human rights, esp. political freedoms, e.g. freedom from torture,
- total control (privacy limitations),
- state institutions,
- media,
- party system,
- education, civic society.

The task of each group is to prepare 5-minute exposés of a political party leader presenting solutions to dismantle the democratic system in a given area in a convincing way (using argumentation that could possibly be used in reality).

B. Presentation of group work (30 min.)

Presentations of group work in a form of short exposés.

Final part (20 min.):

The plenum compares the findings and discusses them.

They state what they have learned from the exercise.

The teacher hands out small pieces of paper (e.g. post-it) in two colours.

On one of them the students write down the useful knowledge and abilities they acquired during the class – these go into “the suitcase” (students stick it to a board under that category).

The other coloured pieces of paper are used to write down things the students did not find useful or interesting – these go into “the trash” (under the sign that reads, “trash” on the board). The teacher reads students’ reflections on the experience – first the “trash” contents, then the “suitcase”.

Further Reading and Resources:

- “Sophie Scholl: The final days” directed by Marc Rothemund
- “The killing fields” directed by Roland Joffé
- “The Lives of Others” directed by F. Henckel von Donnersmarck
- “Nineteen Eighty-Four” George Orwell (also “1984” movie directed by M. Radford)
- “The man versus the state” Herbert Spencer
<http://www.econlib.org/library/LFBooks/Spencer/spnMvSCover.html>
- “Individual Rights and Government Wrongs” Brian Phillips

→ “Reconciling Individual Rights and Government Interests:
Madisonian Principles Versus Supreme Court Practice” David L. Faigman :
https://repository.uhastings.edu/cgi/viewcontent.cgi?article=1868&context=faculty_scholarship

Homework Ideas:

1. In a democratic society – should there be any limitations to political pluralism?
Justify your answer.
2. Describe circumstances when personal freedoms and social justice might collide.
What solutions could be applied?
3. In your opinion, what forms of citizen participation in public life
guarantee greatest impact and why?

Material A on the following pages:

HUMAN RIGHTS

From "The Constitution of Demokratia"

Article 3

1. Freedom and security of the person shall receive legal protection.
2. Any limitation upon the exercise of constitutional freedoms and rights may be imposed only by statute, and only when necessary in a democratic state for the protection of its security or public order, or to protect the natural environment, health or public morals, or the freedoms and rights of other persons. Such limitations shall not violate the essence of freedoms and rights.

Article 23

No one may be subjected to torture or cruel, inhuman, or degrading treatment or punishment. The application of corporal punishment shall be prohibited.

Article 24

1. Personal inviolability and security shall be ensured to everyone. Any deprivation or limitation of liberty may be imposed only in accordance with principles and under procedures specified by statute.
2. Anyone deprived of liberty, except by sentence of a court, shall have the right to appeal to a court for immediate decision upon the lawfulness of such deprivation. Any deprivation of liberty shall be immediately made known to the family of, or a person indicated by, the person deprived of liberty.
3. Every detained person shall be informed, immediately and in a manner comprehensible to him, of the reasons for such detention. The person shall, within 48 hours of detention, be given over to a court for consideration of the case. The detained person shall be set free unless a warrant of temporary arrest issued by a court, along with specification of the charges laid, has been served on him within 24 hours of the time of being given over to the court's disposal.
4. Anyone deprived of liberty shall be treated in a humane manner.
5. Anyone who has been unlawfully deprived of liberty shall have a right to compensation.

TOTAL CONTROL

From "The Constitution of Demokratia"

Article 37

Everyone shall have the right to legal protection of his private and family life, of his honour and good reputation and to make decisions about his personal life.

Article 38

Parents shall have the right to rear their children in accordance with their own convictions.

Article 39

The freedom and privacy of communication shall be ensured. Any limitations thereon may be imposed only in cases and in a manner specified by statute.

Article 40

The inviolability of the home shall be ensured. Any search of a home, premises or vehicles may be made only in cases and in a manner specified by statute.

Article 41

1. No one may be obliged, except on the basis of statute, to disclose information concerning his person.
2. Public authorities shall not acquire, collect nor make accessible information on citizens other than that which is necessary in a democratic state ruled by law.

Article 43

1. Freedom of conscience and religion shall be ensured to everyone.
2. Freedom of religion shall include the freedom to profess or to accept a religion by personal choice as well as to manifest such religion, either individually or collectively, publicly or privately, by worshipping, praying, participating in ceremonies, performing of rites or teaching. Freedom of religion shall also include possession of sanctuaries and other places of worship for the satisfaction of the needs of believers as well as the right of individuals, wherever they may be, to benefit from religious services.
3. Parents shall have the right to ensure their children a moral and religious upbringing and teaching in accordance with their convictions. The provisions of Article 38, para. 1 shall apply as appropriate.

Article 47

The freedom of peaceful assembly and participation in such assemblies shall be ensured to everyone. Limitations upon such freedoms may be imposed by statute.

Article 48

1. The freedom of association shall be guaranteed to everyone.
2. Associations whose purposes or activities are contrary to the Constitution or statutes shall be prohibited. The courts shall adjudicate whether to permit an association to register or to prohibit an association from such activities.
3. Statutes shall specify types of associations requiring court registration, a procedure for such registration and the forms of supervision of such associations.

STATE INSTITUTIONS

From "The Constitution of Demokratia"

Article 8

The organs of public authority shall function on the basis of, and within the limits of, the law.

Article 9

1. The system of government of the Republic of Demokratia shall be based on the separation of and balance between the legislative, executive and judicial powers.
2. Legislative power shall be vested in the Parliament, executive power shall be vested in the President of the Republic of Demokratia and the Council of Ministers, and the judicial power shall be vested in courts and tribunals.

Article 52

If, no later than on the day of vote, he has attained 18 years of age, every citizen of Demokratia shall have the right to participate in a referendum and the right to vote for the President of the Republic of Demokratia as well as representatives to the Parliament and organs of local government.

Article 51

1. A citizen shall have the right to obtain information on the activities of organs of public authority as well as persons discharging public functions. Such right shall also include receipt of information on the activities of self-governing economic or professional organs and other persons or organizational units relating to the field in which they perform the duties of public authorities and manage communal assets or property of the State Treasury.
2. The right to obtain information shall ensure access to documents and entry to sittings of collective organs of public authority formed by universal elections, with the opportunity to make sound and visual recordings.
3. Limitations upon the rights referred to in paras. 1 and 2 above, may be imposed by statute solely to protect freedoms and rights of other persons and economic subjects, public order, security or important economic interests of the State.

Article 55

1. Everyone shall have the right to a fair and public hearing of his case, without undue delay, before a competent, impartial and independent court.
2. Exceptions to the public nature of hearings may be made for reasons of morality, State security, public order or protection of the private life of a party, or other important private interest. Judgments shall be announced publicly.

MEDIA

From "The Constitution of Demokratia"

Article 14

The Republic of Demokratia shall ensure freedom of the press and other means of social communication.

Article 54

1. The freedom to express opinions, to acquire and to disseminate information shall be ensured to everyone.
2. Preventive censorship of the means of social communication and the licensing of the press shall be prohibited. Statutes may require the receipt of a permit for the operation of a radio or television station.

Article 113

1. The Council of Radio Broadcasting and Television shall safeguard the freedom of speech, the right to information as well as safeguard the public interest regarding radio broadcasting and television.
2. The Council of Radio Broadcasting and Television shall issue regulations and, in individual cases, adopt resolutions.

Article 114

1. The members of the Council of Radio Broadcasting and Television shall be appointed by the Parliament and the President of the Republic.
2. A member of the Council of Radio Broadcasting and Television shall not belong to a political party, a trade union or perform public activities incompatible with the dignity of his function.

Article 115

The principles for and mode of work of the Council of Radio Broadcasting and Television, its organization and detailed principles for appointing its members, shall be specified by statute.

PARTY SYSTEM

From "The Constitution of Demokratia"

Article 17

1. The Republic of Demokratia shall ensure freedom for the creation and functioning of political parties. Political parties shall be founded on the principle of voluntariness and upon the equality of Polish citizens, and their purpose shall be to influence the formulation of the policy of the State by democratic means.
2. The financing of political parties shall be open to public inspection.

Article 19

Political parties and other organizations whose programmes are based upon totalitarian methods, as well as those whose programmes or activities sanction racial or national hatred, the application of violence for the purpose of obtaining power or to influence the State policy, or provide for the secrecy of their own structure or membership, shall be prohibited.

CIVIC SOCIETY

From “The Constitution of Demokratia”

Article 78

Non-Governmental Organizations (NGOs) are voluntary self-governing bodies or organizations established to pursue the essentially non-profit-making objectives of their founder or members. They do not include political parties.

Article 79

1. NGOs enjoy the right to freedom of expression.
2. NGOs are free to pursue their objectives, provided that both the objectives and the means employed are consistent with the requirements of a democratic society.

Article 80

1. NGOs shall not be subject to direction by public authorities.
2. Acts or omissions by public authorities affecting an NGO shall be subject to administrative review and be open to challenge by the NGO in an independent and impartial court with full jurisdiction.

Article 81

1. NGOs with legal personality should have the same capacities as are generally enjoyed by other legal persons and should be subject to the administrative, civil and criminal law obligations and sanctions generally applicable to those legal persons.
2. The legal and fiscal framework applicable to NGOs should encourage their establishment and continued operation.



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