**Seneca Social Studies HAVO/VWO – Chapter 2**

**Game “Rights Clash Challenge”**

Aim of the Game:

The objective of the game is to help students understand the complexities and trade-offs involved in the clash of fundamental rights in the Netherlands.

Materials Needed:

Index cards

Timer

Prize for the winning team (optional)

Setup:

1. Divide the students into teams of five members each.
2. Prepare index cards with different scenarios depicting clashes of fundamental rights commonly seen in the Netherlands. Ensure each scenario card clearly outlines the rights in conflict and the context. (see attachment)
3. Two teams have to come forward.
4. Designate one team as "Team 1" and the other as "Team 2", or have them make up a name for their teams themselves.
5. The rest of the class is now “Team 3” and functions as jury.
6. Explain the rules and objectives of the game to the students.

Gameplay:

1. Each round of the game consists of one scenario presented to the teams.
2. Team 1 and Team 2 have to debate and argue their positions regarding the scenario. Team 1 gets assigned one side of the scenario and team 2 the other side of the scenario.
3. Each team has a limited time (e.g., 5-7 minutes) to prepare their arguments. They may use everyone available in the classroom to come up with arguments and ideas.
4. While Team 1 and 2 are preparing their arguments, all the members of Team 3 prepare critical questions and possible counterarguments.
5. After the preparation time, each team presents their arguments to the class. They should explain their stance on the clash of fundamental rights and justify their position based on legal principles, societal values, and personal beliefs.
6. The rest of the class can ask questions or provide counterarguments to the presenting team. The team has to make sure they have good answers to the questions and that they can counter the counterarguments.
7. After both teams have presented, the class votes on which team presented the most convincing argument. The team with the most votes wins the round and earns a point. In the unlikely event of a tie, both teams get a point.
8. Repeat the process for each scenario, ensuring that teams alternate between being Team 1, Team 2 and Team 3.

Scenarios:

1. Freedom of speech - Hate speech laws
2. Right to privacy - National security measures
3. Right to religious freedom - LGBTQ+ rights
4. Right to property - Affordable housing initiatives
5. Right to education - Student protests disrupting classes
6. Right to healthcare - Government budget constraints

Scoring:

* Each round won by a team earns them a point.
* The team with the most points at the end of all rounds wins the game.

Debrief:

After all scenarios have been discussed, conduct a debrief session to reflect on the discussions. Discuss the complexities of balancing conflicting rights and the importance of considering various perspectives in legal and societal decision-making.

Optional:

Offer a prize for the winning team to add a competitive element and motivate active participation.

This game encourages critical thinking, debate, and understanding of fundamental rights and their applications in real-world scenarios. It also fosters teamwork and communication skills among students.

**Attachment:**

Examples of clashes between fundamental rights in the Netherlands

NB: These can be used, but the teacher can also use their own examples.

1. Freedom of speech - Hate speech laws

One notable situation in the Netherlands where the right to freedom of speech collided with hate speech laws involved the prosecution of Dutch politician Geert Wilders.

Geert Wilders, the leader of the Party for Freedom (Partij voor de Vrijheid, PVV), has been involved in several legal controversies regarding his statements on Islam and immigration, which were perceived by some as hate speech. In 2016, Wilders was convicted of inciting discrimination against Dutch Moroccans following comments he made at a political rally in 2014.

During the rally, Wilders asked the crowd whether they wanted "more or fewer Moroccans" in the Netherlands, to which the crowd chanted "fewer, fewer!" Wilders responded, "We'll take care of that." His remarks sparked outrage and led to thousands of complaints filed against him.

1. Right to privacy - National security measures

In 2017, it was revealed that the Dutch intelligence agency, known as the General Intelligence and Security Service (Algemene Inlichtingen- en Veiligheidsdienst, AIVD), had been collecting vast amounts of telecommunications data in bulk. This included metadata from phone calls, emails, and internet traffic, which could potentially infringe on the privacy rights of Dutch citizens.

The Dutch government defended the bulk data collection as necessary for national security purposes, arguing that it was essential for detecting and preventing terrorist threats and other serious crimes. They claimed that strict safeguards were in place to protect the privacy of individuals, including oversight by independent review boards.

1. Right to religious freedom - LGBTQ+ rights

In 2016, Reverend Kees van der Staaij, leader of the Reformed Political Party (Staatkundig Gereformeerde Partij, SGP), made comments expressing his party's opposition to LGBTQ+ rights, particularly same-sex marriage. He stated that his party believed homosexuality was sinful and that they did not support efforts to promote LGBTQ+ rights, including same-sex marriage.

These remarks sparked outrage among LGBTQ+ advocacy groups and prompted legal action. A group called COC Nederland, an organization advocating for the rights of LGBTQ+ individuals, filed a discrimination complaint against Reverend Van der Staaij and the SGP.

1. Right to property - Affordable housing initiatives

Amsterdam has faced a housing shortage exacerbated by various factors, including population growth, tourism, and the conversion of residential properties into short-term rentals for tourists. This trend has driven up housing prices and reduced the availability of affordable housing for residents, leading to concerns about housing affordability and the displacement of local communities.

In response, the Amsterdam city government introduced regulations aimed at restricting short-term rentals and preserving affordable housing stock. These regulations included limits on the number of days a property could be rented out each year, requirements for permits and registration, and bans on certain types of properties being used for short-term rentals.

However, these regulations sparked controversy and legal challenges from property owners and short-term rental platforms like Airbnb, who argued that they infringed on property rights and hindered their ability to use their properties for income generation.

1. Right to education - Student protests disrupting classes

The Maagdenhuis protests were a series of demonstrations and occupations organized by students and staff members at the UvA in response to proposed budget cuts, restructuring plans, and concerns about the democratization and accountability of university governance.

The protests began in February 2015 when a group of students occupied the administrative building of the UvA, known as the Maagdenhuis, demanding greater transparency, participation, and democratization in university decision-making processes. They also protested against proposed budget cuts and the increasing corporatization of higher education.

While the protests initially focused on non-disruptive forms of activism, such as sit-ins, rallies, and public debates, tensions escalated when some protesters started disrupting classes and exams to draw attention to their demands. This led to clashes between protesters and university administrators, as well as divisions among students and faculty members regarding the appropriateness of disrupting academic activities.

The clash between the right to education and student protests disrupting classes raised complex ethical and legal questions. On one hand, students have the right to freedom of expression and peaceful assembly, including the right to protest against policies and decisions they perceive as unjust or harmful to their interests. On the other hand, the disruption of classes and academic activities can infringe on the rights of other students and faculty members to access education and fulfill their academic responsibilities.

1. Right to healthcare - Government budget constraints

One specific instance where the right to healthcare collided with government budget constraints in the Netherlands occurred in 2019 with the controversy surrounding the availability of a groundbreaking but expensive drug for spinal muscular atrophy (SMA) called Spinraza (nusinersen).

SMA is a rare genetic disorder that affects the motor neurons in the spinal cord, leading to muscle weakness and progressive loss of movement. Spinraza, developed by Biogen, was the first approved treatment for SMA and showed promising results in slowing the progression of the disease, particularly in children.

However, Spinraza came with a high price tag, costing hundreds of thousands of euros per patient per year. The high cost of Spinraza raised concerns about its affordability and accessibility for patients in the Netherlands, particularly given the limited healthcare budget and the need to prioritize resources across different areas of healthcare.

The Dutch government faced pressure from patient advocacy groups and healthcare professionals to make Spinraza available to all eligible patients with SMA, regardless of cost. These groups argued that access to Spinraza was essential for improving the quality of life and life expectancy of individuals with SMA and that denying access based on budget constraints would be unjust and discriminatory.

At the same time, the government had to consider the broader implications of funding Spinraza for SMA treatment, including its potential impact on the sustainability of the healthcare system and the availability of resources for other medical treatments and services.