



Department of Justice
Canada

Ministère de la Justice
Canada

A Study Guide for the Canadian Charter of Rights and Freedoms

INTRODUCTION

THE CHARTER. IT'S OURS. IT'S US.

THE 20TH ANNIVERSARY OF THE CANADIAN CHARTER OF RIGHTS AND FREEDOMS

We must now establish the basic principles, the basic values and beliefs which hold us together as Canadians so that beyond our regional loyalties there is a way of life and a system of values which make us proud of the country that has given us freedom and such immeasurable joy.

Pierre E. Trudeau, 1981

INTRODUCTION

The year 2002 marks the 20th anniversary of the adoption of the *Canadian Charter of Rights and Freedoms*. The Charter sets out the fundamental rights and freedoms of individuals and groups in Canada, and is an integral part of the *Canadian Constitution, 1982*. Provincial and federal laws must be consistent with the Charter. The Charter serves a different role than human rights legislation in that it protects the rights and freedoms of groups and individuals against government action rather than the actions of private actors (i.e., landlords).

Canadian students are interested in their rights and freedoms under the Charter. The values and principles enshrined in the Charter are essential to a free and democratic society. These values and principles include respect for the inherent dignity of the human person, commitment to social justice and equality, accommodation of a wide variety of beliefs, respect for cultural and group identity, and faith in social and political institutions which enhance the participation of individuals and groups in society.¹

After the family, the school is the primary agency for teaching about politics and government. Schools can help students develop positive attitudes about Charter values and learn the higher-order thinking skills necessary for active participation in the democratic process.

The activities in this Study Guide explore the content of the *Canadian Charter of Rights and Freedoms* and the central themes that emerge from its application, including democracy, rule of law, and respect for minorities. The activities were designed to address the curriculum taught in the different provinces and territories across the country — the student learnings for each activity are outlined in the curriculum correlation chart. When working on the activities that involve research, suggest that the students start at the Justice Canada Web site www.canada.justice.gc.ca/en/justice2000/ and then expand their search. The annotated list of Resources (pages 9&10) provides additional sources of information for you and your students.

This study guide, in an extended version, is one component of the Department of Justice Canada School Broadcast and Webcasting Initiative, “Talk About Justice.” In a series of programs, this initiative engages secondary school students in live discussion and debate across the country. These one-hour programs focus on justice-related topics of interest to students, and relevant to their classroom studies. The programs are carried live on the CPAC television network as well as on-line. Following each program, a streaming media full version of the broadcast is available for viewing at any time on-line. The second program in the series focuses on the *Canadian Charter of Rights and Freedoms* as part of the celebration of its 20th anniversary. Its broadcast date is April 24, 2002. For more information, visit the Justice Canada Web site at www.canada.justice.gc.ca/talkaboutjustice.

¹ *R. v. Oakes* [1986] 1 S.C.R. 103

I feel very good about our Constitution and Charter of Rights because now we know that the values that we have developed will belong to our children forever.

Jean Chrétien, 1986

CURRICULUM CORRELATIONS

Outcome/Expectation	Activity				
	1	2	3	4	5
The students will:					
explain the importance of the <i>Canadian Charter of Rights and Freedoms</i> for Canadians	●	●			
describe the changing nature of the rights and responsibilities of Canadians			●		
assess the impact of the <i>Canadian Charter of Rights and Freedoms</i> on personal and cultural relations in Canada	●		●	●	
analyze the role of the <i>Canadian Charter of Rights and Freedoms</i> in the development of social justice for Canadians			●		
explain how rights and freedoms may be limited under the <i>Canadian Charter of Rights and Freedoms</i>				●	
understand how our laws reflect the values and beliefs of a democratic society		●		●	
acknowledge and respect the importance of minority rights			●		
understand the barriers to equal enjoyment of human rights in Canada			●	●	
express personal beliefs and values about democratic citizenship					●
develop a sense of civic purpose and take action on a community issue					●

1. GETTING TO KNOW THE *CANADIAN CHARTER OF RIGHTS AND FREEDOMS*

For the Student

Introduction

Learn about the rights and freedoms that are enshrined in the *Canadian Charter of Rights and Freedoms*.

Part A (small group)

1. Read the section(s) of the *Canadian Charter of Rights and Freedoms* that your teacher has given to your group.
 - Discuss the meaning and intention of the section(s).
 - Put the section(s) in your own words.
 - Discuss some real life situations that you think apply to or reflect each section.Make sure everyone becomes an “expert” on the section(s).
2. Your groups will be restructured so that each new group has “experts” about different sections of the Charter. Each “expert” teaches this new group what he or she learned about that section, including specific examples.
3. Individually write a brief statement about what the Charter means to you on a day-to-day basis, as an individual and as a member of various groups, e.g., religious or ethnic groups.

Part B (independent)

1. Find three newspaper or newsmagazine articles that demonstrate a current use of the *Canadian Charter of Rights and Freedoms*. Are the articles critical or supportive of the Charter?
2. Write a summary of each article and how it relates to the *Canadian Charter of Rights and Freedoms*.
3. Post the articles along with the summaries, clustering them under the main headings of the Charter sections.

For the Teacher

Introduction

Students will “jigsaw” sections of the *Canadian Charter of Rights and Freedoms* to learn about its provisions, and what these provisions mean to them as individuals.

Getting Ready

- Start the activity by discussing the meaning of a “right” and a “freedom” with the students.
- Divide the *Canadian Charter of Rights and Freedoms* into sections for each group to work with.
- Students will need access to a variety of newspapers and newsmagazines.

Try These

For discussion or writing:

- Has the Charter affected you or your peers in school? If so, how? Do you think the issues were dealt with fairly? Why or why not? You might wish to examine and then discuss the case of *R. v. M. (M.R.)* [1998] 3 S.C.R. 393, at www.canada.justice.gc.ca/en/justice2000/. In this case, the Supreme Court decided whether or not a vice-principal of a junior high school could search a student who was believed to be carrying drugs. The Supreme Court noted the importance attached to teachers and other school authorities who are in a position of trust and must ensure the health and safety of children.
- If you were given the power to add one item to the *Canadian Charter of Rights and Freedoms*, what would it be and why?

2. DISCOVERING WHY

For the Student

Introduction

Learn about why and how the *Canadian Charter of Rights and Freedoms* came into being and teach others all about it.

(small group)

1. Find out about what life was like in Canada in the 1970s and early 1980s. What issues were important to people at that time?
2. Find out how and when the *Canadian Charter of Rights and Freedoms* came into being.
3. Prepare an electronic slide show presentation for a younger class to explain what the *Canadian Charter of Rights and Freedoms* is, its importance, and how it came to be. Be sure to include images and graphics as well as point-form notes.

For the Teacher

Introduction

Students will research the development of the *Canadian Charter of Rights and Freedoms* and prepare a slide show presentation to inform younger students about the importance of this document.

Getting Ready

The Web site www.solon.org/Constitutions/Canada/English/index.html has a legal history of Canadian constitutional documents from 1867 to the present.

Try This

Have the students compare the *Canadian Bill of Rights* with the *Canadian Charter of Rights and Freedoms*, in order to determine why the Charter provides greater protection of their rights and freedoms. Ensure that they understand that the *Bill of Rights* is a federal statute that is not part of the Constitution and therefore does not have the status of supreme law. The *Canadian Charter of Rights and Freedoms*, however, is part of the *Canadian Constitution*, 1982 and cannot easily be changed.

3. THE BOUNDARIES OF EQUALITY

Though equality may have many forms, I put it to you that all will have in common the fact that nothing more and nothing less than equality for all Canadians is required for the ends of justice to be met — for equality is justice.

Claire L'Heureux-Dubé, Supreme Court of Canada Justice

For the Student

Introduction

Examine how the concept of equality under the Charter adapts to the changing norms and values of our society.

Part A (whole class)

1. Examine s.15 of the *Charter of Rights and Freedoms*: Every individual is equal before and under the law and has the right to equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability.
2. Discuss: What does it mean for an individual to be equal before and under the law and to have equal protection and benefit of the law without discrimination?
3. In order to make an equality claim under the Charter, the individual must prove that a law treats him or her differently, and the difference in treatment is related to what are called “grounds of discrimination.” Certain grounds of discrimination are expressly stated within s.15. They are: race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability. What do these grounds of discrimination have in common? Can you think of any that are missing from this list?
4. Sexual orientation is not listed as a ground of discrimination under s.15. However, the Supreme Court of Canada decided in a case called *R. v. Egan* that sexual orientation is considered an analogous ground of discrimination. This means that it is similar to the grounds of discrimination that are listed under s.15. Therefore, it is still a violation of the Charter if a law makes a distinction on the basis of sexual orientation. Why do you think that sexual orientation was missing from the original list of grounds of discrimination?
5. Some forms of discrimination have not been considered to be analogous grounds of discrimination. For example, poverty is not considered to be an analogous ground of discrimination under the Charter. Look at the case of *Banks* where a provincial law that made “squeegeeing” illegal was challenged by a group of young people who argued that the law discriminated against them on the basis of poverty. The court did not agree that poverty was an analogous ground of discrimination. If this case were appealed to a higher court, and you were the judge assigned to the case, would you come to the same conclusion? Why or why not?
6. Discuss: How has the concept of equality changed over time? What causes these changes?

For the Teacher

Introduction

Students will analyze how the boundaries of equality can change over time.

Getting Ready

- Students will need access to the *Charter of Rights and Freedoms*, the text of which can be found at www.canada.justice.gc.ca/Loireg/charte/const_en.html.
- Students will need access to the cases listed in the activity. Summaries of the cases can be found at www.canada.justice.gc.ca/talkaboutjustice.
- Half the class could examine *Egan* and the other half could look at *Banks*.

4. FREEDOM OF EXPRESSION

The fight to preserve the freedom of the press is not a fight to preserve freedom for the publishers. It is a fight to preserve freedom for all of us. Freedom of the press fuels and keeps alive the flame of democracy.

Roy McMurtry, Former Attorney-General of Ontario

For the Student

Introduction

Find out how our freedom of expression is guaranteed and how it can be limited, and develop a personal statement about the issue.

Part A (whole class)

1. Examine s. 2 of the Charter: Everyone has the following fundamental freedoms: a) freedom of conscience and religion; b) freedom of thought, belief, opinion, and expression, including freedom of the press; c) freedom of peaceful assembly; d) freedom of association.
2. Obtain a copy of a local or national newspaper. Using a marker, cross out every article or advertisement in your newspaper that:
 - is critical or unfavourable about government (local, provincial, federal, territorial);
 - has critical or unfavourable information on a group in society (clubs, trade unions, business associations);
 - refers to a non-governmental organization formed to take action for or against current social, economic, or political issues;
 - involves religion or contains religious belief; or
 - is about minorities in Canada.
3. Discuss:
 - Which are more important — the articles you crossed out or the ones that remain? Why?
 - Why is freedom of expression so important to a democratic society?
 - How does the *Canadian Charter of Rights and Freedoms* address freedom of expression?
 - Are the provisions in the Charter sufficient to guarantee that freedom? Explain.

Part B (independent)

1. Brainstorm a list of controversies relating to freedom of expression and censorship in Canada, for example, hate crimes, Internet filtering, racist Web sites, racist publications, and book banning.
2. Choose one issue to research in depth. Use both primary and secondary sources of information.
3. Write an essay describing the issue, outlining the position of both sides, how it has been handled by the law, public reactions, and your personal opinion about it.
4. Submit your essay to the school newsletter or Web site for publication.

For the Teacher

Introduction

Students will learn how freedom of expression is guaranteed, explore the concept of censorship in a democratic society, and develop and support a personal position about the issue.

Getting Ready

Each group will need a copy of a local or national newspaper and markers.

Try This

You may wish to discuss with the students recent cases dealing with Freedom of Expression: *R. v. Guignard* 2002 S.C.C. 14, File No.: 27704, *Little Sisters Book and Art Emporium v. Canada (Minister of Justice)* [2000] 2 S.C.R. 1120, *R. v. Sharpe* [2001] 1 S.C.R. 45, or *R. v. Keegstra* [1990] 3 S.C.R. 697. These cases can be found at www.lexum.umontreal.ca/index_en.html.

5. CIVIC PARTICIPATION AND DEMOCRACY

Democracy is the process by which people are free to choose the man who will get the blame.

Laurence J. Peter, Educator

For the Student

Introduction

Learn about the multitude of ways that YOU can be an active participant in the democratic process.

(small group)

1. Develop a list of several ways in which individuals can participate in the democratic process, e.g., voting in elections, signing a petition, wearing a button, joining a citizens' action group or a neighbourhood/community association.
2. Choose one form of participation and discuss the following:
 - What are the advantages and disadvantages of each form of participation?
 - Are all these forms of participation equally important in protecting our basic rights? Why?
 - Which seem to be the most important? Why?
 - How is citizen participation related to the purposes of our government?
 - Explain why participating in the democratic process is in our interest.
3. Choose one of the topics below to debate:
 - Everyone has a responsibility to work to improve his or her society.
 - People who do not vote or participate in government should not be entitled to the benefits that government provides.
 - If you do not think the government is protecting your basic rights, you are not required to obey its laws.

For the Teacher

Introduction

Students will learn about how they can participate as individuals in the democratic process. They will participate in a debate related to the rights and responsibilities of civic duty.

Getting Ready

The students' list in 1. above might also include writing letters to elected representatives, research and attending meetings to gain information, or joining a neighbourhood/community association.

Try This

Instead of debating the statements, students could create a Web page that presents different perspectives on the issue.

RESOURCES

DEPARTMENT OF JUSTICE CANADA

The Canadian Charter of Rights and Freedoms

www.canada.justice.gc.ca/Loireg/charte/const_en.html

The text of the *Canadian Charter of Rights and Freedoms* can be found here.

Talk About Justice

www.canada.justice.gc.ca/talkaboutjustice

Links to the Department of Justice Canada School Broadcast and Webcasting Initiative, "Talk About Justice."

Canadian Bill of Rights

<http://laws.justice.gc.ca/en/C-12.3/index.html>

Presents the text of the *Canadian Bill of Rights*.

<http://laws.justice.gc.ca/en/index.html>

Links to Consolidated Statutes and Regulations.

www.canada.justice.gc.ca/en/justice2000/

Key court cases and laws that have shaped human rights in Canada since 1900.

OTHER RESOURCES

Canadian Legal Information Institute

www.canlii.org/index_en.html

Search function for cases referred to in this document and links to legal documents by jurisdiction.

Advokids

www.advokids.org/rights/charter.html

The intent of this Web site is to increase understanding of the *Canadian Charter of Rights and Freedoms* and to heighten awareness of its significance in our daily lives.

The History of Canada's Constitutional Development

www.pco-bcp.gc.ca/aia/default.asp?Language=E&Page=consfile&Sub=ThehistoryofConstitution

A comprehensive site describing the maturation of Canada into a self-governing democracy, the history of changes in ideas and conditions, and the challenges for this century.

Youth Criminal Justice Act

www.canada.justice.gc.ca/youth

LexUM, University of Montreal

www.lexum.umontreal.ca/index_en.html

Comprehensive site containing law resources such as case law, legislation (for Canada, Quebec, and International). Includes extensive links.