

CHV2O Unit 2: Rights and Responsibilities

Activity 2: Charter of Rights and Freedoms

Overview

Unit 2, Activity 2 examines the *Canadian Charter of Rights and Freedoms*. Students will become familiar with the different sections of the *Charter* and will apply the Charter to two different scenarios - Locker Search and Prohibiting Kirpans.

Lesson

The Canadian Charter of Rights and Freedoms



"The Charter infuses everything. There hasn't been a single piece of law that has been passed that doesn't take the charter into account. It's affected trials, it's affected the criminal system, it's affected the criminal code, abortion rights, equality rights, free speech issues, freedom of association issues; it's had a very profound impact on our national life. There can be no question about that." - Bob Rae, Former Premier of Ontario

On April 17, 1982, in front of the parliament buildings in Ottawa, Prime Minister Pierre Elliott Trudeau and Queen Elizabeth II signed the document which would bring home Canada's constitution. A part of the new Constitution Act, 1982, was the *Canadian Charter of Rights and Freedoms*. For the first time in our history, Canadians could look to a document which would outline what rights and freedoms they enjoyed.

The Charter protects our rights and freedoms by placing limits on the ability of the government to pass laws or take any actions that may infringe on our rights. All people in Canada must be treated equally regardless of their race, religion, sex, or age. *The Charter* helps to create a balance between an individual's freedom and the power of the government.

Charter Scenarios - The Locker Search

Facts: Rajiv was offended by Harvey's "paki" jokes and claimed Harvey was a racist. Later, a fight developed after Harvey told another joke and called Rajiv a "dumb raghead." Rajiv punched Harvey three times, hard. The fight was broken up by teachers and both boys were suspended for three days. Harvey's father met with the principal and complained that he was afraid for his son's life - noting that Rajiv wore a kirpan (a traditional Sikh knife). Students at the school were choosing sides, based partly on skin colour. The principal responded to the increasing tensions at school by searching student lockers where she suspected there might be weapons, alcohol, or drugs. Under the province's Education Act, the principal has a legal duty to maintain order and discipline in the school.

Suppose one of the students whose locker was searched complained that the locker search was against the law.

Decision - Prohibiting Kirpans



Facts: Rajiv was offended by Harvey's "paki" jokes and claimed Harvey was a racist. Later, a fight developed after Harvey told another joke and called Rajiv a "dumb raghead". Rajiv punched Harvey three times, hard. The fight was broken up by teachers and both boys were suspended for three days. Harvey's father met with the principal and complained that he was afraid for his son's life - noting that Rajiv wore a kirpan. Students at the school were choosing sides, based partly on skin colour. The principal phoned Rajiv's home and told his parents that he could not come back to school wearing his kirpan. She told them she was relying on a government regulation which allows school officials to prohibit students from wearing kirpans on school grounds.

Suppose Rajiv's parents think the principal's order is against the law.

Assignment

1. Was the locker search was justifiable under these circumstances? Explain in detail.
2. Does the government regulation unjustifiably interfere with Rajiv's fundamental freedom to practice the Sikh religion? Explain in detail.
3. You will need to refer to the [Charter of Rights and Freedoms](#) to complete this part of the assignment. **For each of the following scenarios, determine which section of the Charter is implicated and what violation has taken place.**
 - a) Jennifer Adams, a law abiding Canadian citizen, decides to go on a trip to China. When she arrives at the airport, she is told that she is not allowed to leave Canada. No reason is given by the authorities.
 - b) Justin Trudeau decides that he wants to be Prime Minister for life and refuses to call an election.
 - c) The government decides that all churches are to be closed down permanently.
 - d) A judge orders that for a punishment a person will receive 25 lashes.
 - e) A recent immigrant who speaks little English is very confused at his criminal trial because he does not understand what is being said.
 - f) You are arrested and thrown in jail. You are not told what the charges are for two weeks. With no reason given, you are denied bail for a minor shoplifting offence. Finally, after one year in prison, you get your day in court. Unfortunately, you are defending yourself because you are unable to pay for a lawyer.
 - g) The government does not like comments written in the Toronto Star because they are critical of the government's actions. As a result, the newspaper is not allowed to publish any more.