

The Charter in the Classroom: Students, Teachers and Rights

Topic: *The Canadian Charter of Rights and Freedoms* Introduction

Instructional Expectations and Opportunities have been selected by province for secondary schools and may be found in **Resources** under **Curriculum Expectations**.

Environment

- Section 1 and Section 2(a) of *The Charter* visible to the class
- Seating that permits work in pairs or small groups

Required Resources

- CC: STAR website (www.thecharterrules.ca): video of Svend Robinson
- CC: STAR website (www.thecharterrules.ca): Introduction to the Charter of Rights and Freedoms
- A copy of the Canadian Charter of Rights and Freedoms available from <http://laws.justice.gc.ca/en/charter/1.html>; hard copies may be ordered from Canadian Heritage, e-mail: rights-droits@pch.gc.ca
- Computer lab or laptop computers with Internet access for students
- Chart paper and markers or electronic wiki posting system for Gallery Walk
- Envelopes (one per group) containing sections of the Charter and corresponding descriptions for matching game.

Content and Suggested Strategies

Overview/Agenda/Review:

1. Introduction: Four Corners Activity and/or Charter Wish List Gallery Walk
2. Explore the CC: STAR website
3. Read the Charter Introduction page; view Svend Robinson video on the website at Interpretation tab
4. Discuss differences and similarities in pre- and post- Charter Canada
5. Scavenger Hunt: Match Charter sections with descriptions
6. Consolidation: Review relevant sections of the Charter

Introduction:

1. a) *Four Corners Activity* (10 minutes)
The intent of this activity is to gauge students' prior knowledge and attitudes toward the Canadian Charter of Rights and Freedoms. The teacher will post four signs, one in each corner of the room. The teacher will ask students to move to the corner description that best describes their knowledge and feelings toward the Charter. Once students have had a chance to move, the teacher will allow 2-3 minutes for students to discuss within their corner why they made their decision. Students should then be allowed another minute to summarize their decisions and elect a representative to present their point of view to the class.

Suggested Corner Signs	Possible Student Responses
The Charter is like Super Glue or The Charter is like the Rocky Mountains	- the supreme law that binds our country together - sometimes a bumpy road, but is the highest law of the land
The Charter is like (choose one) Bendaroos, Flexible Straws, Silly Putty, a painting	- a document that leaves its intention open to judicial interpretation - a pliable, flexible document that evolves to meet society's demands and our justice needs

The Charter is like a (choose one) stop sign, stone tablet or respected elder	when the Supreme Court of Canada makes a Charter ruling, that's the end of the judicial debate - the Charter must be respected and adhered to at all times
The Charter is like a (choose one) passport, all-day pass to a theme park, or a curfew	- having the Charter guarantees that you can do certain things and have certain freedoms - having the Charter limits your freedoms in ways others might consider "reasonable"

1. b) *Charter Wish List and Gallery Walk* (10-15 minutes) or *Wiki Posting*
The intent of this activity is to have students brainstorm, discuss and compare different ideas about what they think should be included in Canada's Charter of Rights and Freedoms. The teacher should first place the students in small discussion groups. Using the chart paper and markers, students in each group will brainstorm a list of Rights and Freedoms they think should be included in the "perfect" Charter. Each group will then post their wish list. The teacher will then organize a gallery walk in the class, so that each group views the other lists. Discussion: What similarities or differences do students notice?

These introductory activities could be modified for classrooms with the availability to post online wiki comments. Individuals could post their identification with a particular corner, and students could respond. Groups could also post comments or responses to other groups' wish lists.
2. *Explore the CC:STAR Website* (www.thecharterrules.ca).
Allow students sufficient time to become familiar with the CC: STAR website
3. *Charter Introduction and Svend Robinson Interview*.
Direct students to the Charter Introduction and interview with Svend Robinson on the website. Ask students to consider the following questions as they read and listen to the interview and explore the other sections of Concept 1:
 - What led to the introduction of the Charter?
 - What is significant about the historical context of the Charter?
 - How was a pre-Charter Canada different than a post-Charter Canada?
 - What is meant by the term "purposive"?
 - What does the Charter mean to students?
4. *Discussion*
Working in pairs or as a class, discuss the questions listed above.
5. *Scavenger Hunt: Charter Matching Activity*
Organize the class into small groups. Provide each group with an envelope containing several small pieces of paper. One set of papers will contain some sections of the Charter (1, 2, 3, etc.) while other papers will contain the corresponding descriptions. Ask each group to match the section with the appropriate description.
6. *Consolidation*
Review the correct matches of descriptions to the corresponding section. Ask students for their opinions on what sections they consider to be the most important? What, if anything, surprised them? How does the Charter compare with their Wish List Charter? Does the Charter seem to meet their needs? Why or why not?

Appendix A: Scavenger Hunt/Charter Matching Activity

This page may be used as the answer key. This page does not include all sections of the charter, nor all subsections of each section listed below. Photocopy, cut each text box and scramble the sections and descriptions in an envelope for use in the student matching activity. Note: there is a hint provided for each section.

<p>Section 1 (Guarantee of Rights and Freedoms)</p>	<p>The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.</p>
<p>Section 2 (Fundamental Freedoms)</p>	<p>Everyone has the following fundamental freedoms:</p> <ul style="list-style-type: none"> a) freedom of conscience and religion b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication; c) freedom of peaceful assembly d) freedom of association.
<p>Section 3 (Democratic Rights)</p>	<p>Every citizen of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly and to be qualified for membership therein.</p>
<p>Section 5 (Democratic Rights)</p>	<p>There shall be a sitting of Parliament and of each legislature at least once every twelve months.</p>
<p>Section 6 (Mobility Rights)</p>	<p>Every citizen of Canada has the right to enter, remain in, and leave, Canada.</p>
<p>Section 7 (Legal Rights)</p>	<p>Everyone has the right to life, liberty, and security of the person, and the right not to be deprived thereof except in accordance with the principles of fundamental justice.</p>
<p>Section 8 (Legal Rights)</p>	<p>Everyone has the right to be secure against unreasonable search or seizure.</p>
<p>Section 9 (Legal Rights)</p>	<p>Everyone has the right not to be arbitrarily detained or imprisoned.</p>
<p>Section 10 (Legal Rights)</p>	<p>Everyone has the right on arrest or detention</p> <ul style="list-style-type: none"> a) to be informed promptly of the reasons therefore;

	<p>b) to retain and instruct counsel without delay and to be informed of that right; and</p> <p>c) to have the validity of the detention determined by way of <i>habeas corpus</i> and to be released if the detention is not lawful.</p>
<p>Section 11 (Legal Rights)</p>	<p>Any person charged with an offence has the right</p> <p>a) to be informed without unreasonable delay of the specific offence;</p> <p>b) to be tried within a reasonable time;</p> <p>c) not to be compelled to be a witness in proceedings against that person in respect of the offence;</p> <p>d) to be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal;</p>
<p>Section 12 (Legal Rights)</p>	<p>Everyone has the right not to be subjected to any cruel and unusual treatment or punishment.</p>
<p>Section 13 (Legal Rights)</p>	<p>A witness who testifies in any proceedings has the right not to have any incriminating evidence so given used to incriminate that witness in any other proceedings, except in a prosecution for perjury or for the giving of contradictory evidence.</p>
<p>Section 14 (Legal Rights)</p>	<p>A party or witness in any proceedings who does not understand or speak the language in which the proceedings are conducted or who is deaf has the right to the assistance of an interpreter.</p>
<p>Section 15 (Equality Rights)</p>	<p>(1) Every individual is equal before and under the law and has the right to the 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.</p>
<p>Section 16 (Official Languages of Canada)</p>	<p>(1) English and French are the official languages of Canada and have equality of status and equal rights and privileges as to their use in all institutions of the Parliament and Government of Canada.</p>
<p>Section 23 (Minority Language Educational Rights)</p>	<p>(1) Citizens of Canada</p> <p>a) whose first language learned and still understood is that of the English or French Linguistic minority population of the province in which they reside, or</p> <p>b) who have received their primary school instruction in</p>

	<p>Canada in English or French and reside in a province where the language in which they received that instruction is the language of the English or French linguistic minority population of the province, have the right to have their children receive primary and secondary school instruction in that language in that province.</p> <p>...</p>
<p>Section 24 (Enforcement)</p>	<p>(1) Anyone whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances.</p> <p>(2) Where, in proceedings under subsection (1), a court concludes that evidence was obtained in a manner that infringed or denied any rights or freedoms guaranteed by this Charter, the evidence shall be excluded if it is established that, having regard to all the circumstances, the admission of it in the proceedings would bring the administration of justice into disrepute.</p>
<p>Section 25 (General)</p>	<p>The guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any Aboriginal, treaty or other rights or freedoms that pertain to the Aboriginal peoples of Canada including</p> <ul style="list-style-type: none"> a) any rights or freedoms that have been recognized by the Royal Proclamation of October 7, 1763; and b) any rights or freedoms that now exist by way of land claims agreements or may be so acquired.