

Cases and details	Issues to discuss	Videos to watch	Sources
<p>Bill 21, Québec's Act respecting the laicity of the State</p> <p>Where: Quebec</p> <p>What:</p> <ul style="list-style-type: none"> -It is a secularism law which seeks to enforce the separation of state and religion, and the state's religious neutrality. -The law forbids state employees and public servants from wearing religious symbols at work. (This group includes teachers, police officers, judges, etc.) -What are examples of religious symbols? <ul style="list-style-type: none"> ➤ Hijab ➤ Niqab ➤ Turban ➤ Kippah ➤ Crucifix/cross -While offering and/or receiving government services, one must have their face uncovered. <p><i>*Important note: this does not apply to those employed before the law came into effect, unless they begin a new job.</i></p> <p>How: The government of Quebec invoked the Notwithstanding Clause (Section 33 of the <i>Charter</i>), which allows governments to override Section 2 (fundamental freedoms) and/or Sections 7-15 (legal rights and equality rights) of the <i>Charter</i> for a period of up to five years (and which can be subsequently renewed).</p>	<p>How the Charter protects our rights and freedoms: The Constitution (and the <i>Charter</i>) offers rules that the government must follow when enacting legislation. The courts may determine whether a law or government action respects those rules. If not, a variety of remedies are available, including forcing the government to change or repeal the law. Section 33 of the <i>Charter</i>, called the Notwithstanding Clause, enables governments to override certain portions of the Charter, despite court rulings.</p> <p>Notwithstanding Clause:</p> <p>What the Charter says:</p> <p><i>33. (1) Parliament or the legislature of a province may expressly declare in an Act of Parliament or of the legislature, as the case may be, that the Act or a provision thereof shall operate notwithstanding a provision included in section 2 or sections 7 to 15 of this Charter...</i></p> <p><i>(3) A declaration made under subsection (1) shall cease to have effect five years after it comes into force or on such earlier date as may be specified in the declaration.</i></p> <p><i>(4) Parliament or the legislature of a province may re-enact a declaration made under subsection (1)...</i></p> <p>What it does:</p> <ul style="list-style-type: none"> -It allows for an override of some <i>Charter</i> rights and has only been used a few times by certain provinces. -It does not apply to democratic rights, mobility rights or language rights. <p>Who does Bill 21 impact the most?</p> <ul style="list-style-type: none"> ● Newcomers to Quebec ● Women, and those whose religious symbols are more conspicuous ● Young people who will be entering the workforce 	<p>Video 2 (Fundamental Freedoms)</p> <p>Video 5 (Equality Rights)</p>	<p>Re: Bill 21 https://ccla.org/major-cases-and-reports/bill-21/</p> <p>Re: The Notwithstanding Clause https://www.justice.gc.ca/eng/csj-sjc/rfc-dlc/ccrf-ccd/check/art33.html</p>

Cases and details	Issues to discuss	Videos to watch	Sources
<p>Ishaq v. Canada (Citizenship and Immigration, 2015)</p> <p>Who: Zunera Ishaq challenged a government policy that required individuals to remove face coverings, such as a niqab, during the citizenship oath ceremony. She argued that this policy infringed upon her freedom of religion because wearing the niqab was a religious obligation for her as a Muslim woman.</p> <p>What: In this case, the key issue concerning the <i>Canadian Charter of Rights and Freedoms</i> was the accommodation of religious practices, specifically with respect to the wearing of a niqab during the citizenship oath ceremony.</p> <p>How:</p> <ul style="list-style-type: none"> -The Supreme Court of Canada analyzed this issue through the lens of Section 2(a) of the <i>Charter</i>, emphasizing that freedom of religion encompasses both the freedom to hold beliefs and the freedom to manifest those beliefs in worship and practice. -The court recognized that requiring Ms. Ishaq to unveil during the oath-taking ceremony would interfere with her religious practice. 	<p>How does the case demonstrate the application of the <i>Canadian Charter of Rights and Freedoms</i>, particularly in the context of religious freedom and equality rights?</p> <p>Charter protection: The <i>Canadian Charter of Rights and Freedoms</i> guarantees fundamental rights and freedoms, including freedom of religion under Section 2(a). This section protects the right of individuals to practice their religion freely and to manifest their beliefs in worship, observance, practice, and teaching.</p> <p>Court decision:</p> <ul style="list-style-type: none"> -The Supreme Court ruled in favor of Ms. Ishaq, finding that the government's policy requiring the removal of face coverings during the citizenship oath ceremony unjustifiably infringed upon her freedom of religion. -The court's decision shows the importance of accommodating religious diversity within the framework of Canadian laws and institutions, reaffirming the <i>Charter's</i> protection of religious rights. 	<p>Video 2 (Fundamental Freedoms)</p>	<p>Ishaq v. Canada (Minister of Citizenship and Immigration)</p>
<p>R. v. Keegstra, [1990]</p> <p>Where: Alberta</p> <p>What:</p> <ul style="list-style-type: none"> -James Keegstra, a high school teacher in Alberta, repeatedly used hate speech targeting the Jewish people in his classroom. He specifically called all Jewish people evil and denied the Holocaust. -He was charged with a hate crime, but he claimed that the <i>Charter</i> protected his freedom of speech. 	<p>Why is this case important?</p> <ul style="list-style-type: none"> -This case demonstrates that although the <i>Charter</i> protects freedom of speech, this protection is not absolute. -This case shows the limits of certain rights and can help explain the concept of reasonable limits (i.e., laws in the Criminal Code that restrict hateful speech have been found to be constitutional and a reasonable limit of freedom of expression.) 	<p>Video 1 (Introduction)</p> <p>Video 2 (Fundamental freedoms)</p>	<p>https://www.justice.gc.ca/eng/csj-sjc/rfc-dlc/ccrf-ccdl/cases.html (see Section 10)</p> <p>The Keegstra Case in The Canadian Encyclopedia</p>

Cases and details	Issues to discuss	Videos to watch	Sources
<p>-The case centered on whether Keegstra’s actions, which involved spreading hate speech, violated the Criminal Code</p> <p>Criminal Code : <i>Section 319(2) of the Criminal Code makes it an offense to wilfully promote hatred against an identifiable group.</i></p> <p><i>Wilful promotion of hatred</i> <i>(2) Everyone who, by communicating statements, other than in private conversation, wilfully promotes hatred against any identifiable group is guilty of</i> <i>(a) an indictable offence and is liable to imprisonment for a term not exceeding two years; or</i> <i>(b) an offence punishable on summary conviction.</i></p>	<p>Court decision:</p> <p>-The Court recognized that freedom of expression is a fundamental right in Canada, but it is not absolute. It can be limited, especially when it conflicts with other democratic values like equality, multiculturalism, and respect for differences.</p> <p>-The Court concluded that Keegstra’s activities fell under the definition of “promoting hatred” as outlined by the law. The Court upheld as constitutional the existing law regarding the wilful promotion of hatred against an identifiable group. Keegstra’s teachings were not just controversial, but aimed at inciting hostility and hatred against Jewish people.</p> <p>How should Canadian society balance freedom of expression/speech with the need to protect vulnerable and marginalized groups?</p>		