

CLN4U-Charter Rights Show Down

For each case you are going to choose to be either the Plaintiff or the Defence.

Your job:

- **Make your case to the Human Rights Commission in a well-developed, clearly written paragraph. ONE paragraph for each of the cases (total TWO paragraphs)**
- **Use argumentation and logic to convince your peers that your side is correct**
- **Either point out a violation of the Charter, or explain how the Charter protects the people in question.**
- **Be persuasive**
- **Think outside of the case. What precedents could be set by this decision?**

Case #1

In this case you will try to determine whether or not the authorities overstepped their bounds and violated the charter rights of Canadians.

Facts:

During a particularly heated vote at Queen's Park a large group of protestors assembled in front of the legislature. Some estimates he said that, at its height, the protest swelled to a size over 300 people. The protestors were mostly peaceful. The majority of the protesters were there to sing protest songs and wave signs voicing their annoyance with the government. However, a small contingent of the protestors was intent on committing acts of vandalism. A small group of roughly 40 individuals began defacing the legislature and hurling rocks at the windows. Nearby shops also had their front windows broken by the violent protestors. The police responded by bringing in hundreds more officers in riot gear. They proceeded to surround all of the protestors at Queen's park. Tear gas was shot into the crowd, and one by one every protestor was arrested. In the end roughly 220 people were arrested and detained for 24 hours. Most were later released without charge. During the arrests countless people reported been tackled, hit, and forcefully restrained by the police.

The Question

Were our rights violated or did the police have reasonable grounds to carry out the arrests?

Plaintiff

The police went too far and violated the rights of Canadians

Defence

The Police acted reasonably considering the violent nature of the protest

Case #2

In this case you will determine if the Charter protects the actions of this particular individual.

Facts:

A political activist and talk show pundit is on a tour of Canada to speak at a number of Universities and promote her new book. The speaker is known for her intensely right -wing political perspectives and her blunt speaking style. While speaking at a university she makes a number of offensive jokes and derogatory remarks about Muslim people (while claiming that Muslim people should not be allowed on planes she suggested that they could “get around on flying carpets” instead). When confronted about this by a Muslim student she continued to make offensive jokes at the young woman’s expense. After the event many students felt that the speaker had gone too far with what she had said. The speaker claimed that she was within her rights.

The Question

Should our charter protect the speaker in this case?

Plaintiff

The Speaker went too far and should be charged with hate speech

Defence

The speaker was within her rights to say the things that she said