

## Evaluating the Impact of the Charter through Case Studies

### Fundamental Freedoms

*s. 2 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 and other media of communication;*
- c) freedom of peaceful assembly; and*
- d) freedom of association*

#### I. Freedom of Expression

**R v. Keegstra** (Textbook pp. 137 -138)

Q#1,2,3, 5

#### II. Freedom of Religion

**R. v Big M Drug Mart** (handout)

There are a number of comments and quotes taken from the case listed, some of them contradictory. You may use them to help you answer the following questions.

1a. Give an argument supporting the Lords Day Act and the fact that stores should remain closed on Sunday

b. Give an argument saying the opposite.

**Zylerberg v Director of Sudbury of Education** (handout)

1 a. The parents of Jewish and Muslim students claimed...

b. The respondents argued...

c. The Ontario Divisional Court...

2. On what grounds did the school Board claim there was no coercion of non-Christian pupils to participate in religious exercises?

3. How was there compulsion to conform to the religious practices of the majority?

4. Under s.1 of the Charter, could Regulation 262 be seen as justifiable and reasonable limit to religious freedom?

5. Examine the cartoon below.



a) This cartoon was published just after the Pope called upon western leaders to protect the sanctity of marriage and disallow same sex marriages. Explain what this cartoon is saying in regards to church and state.



## Equality Rights

**s.15. (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.***

### **A. Important related cases from the U.S.**

**Plessy v Ferguson** (1896) (handout)

1. What is the state at liberty to do?
2. How did the court see Plessy's (the plaintiff) argument about enforced separation?
3. According to the court how is the constitution of the U.S. limited in terms of racial integration?

**Brown v. the Board of Education of Topeka et al** (1954) (same handout as above)

Question e. i.

### **B. Homosexual rights**

**M. v. H.**

Read pages 149-151 (textbook). Answer questions 1-4 (p.150).

**Vriend v Alberta**

Read pp. 181- 183 (textbook). And answer questions 1-4 p. 183.