

The Rights Angle:
Human Rights Education
Using the Newspaper
Alberta Edition



by the
Alberta Civil Liberties Research Centre

The Rights Angle:
Human Rights Education
Using the Newspaper
Alberta Edition



by the
Alberta Civil Liberties Research Centre

**Alberta Civil Liberties
Research Centre**

**Mailing Address:
c/o Faculty of Law
University of Calgary
2500 University Drive N.W.
Calgary, Alberta T2N 1N4
Tel (403) 220-2505
Fax (403) 284-0945
E-mail: aclrc@ucalgary.ca**

© 1999, 2001, 2003, 2008

ISBN # 1-896225-24-1

Acknowledgments



Canadian Race Relations Foundation

The original volume was prepared with the support of a grant from the Canadian Race Relations Foundation.



Alberta Law Foundation

The Alberta Civil Liberties Research Centre is supported by a grant from the Alberta Law Foundation. Printing and disseminating of this edition to all secondary schools outside of Calgary was made possible with the support of a project grant from the Alberta Law Foundation.

Alberta Human Rights, Citizenship and Multiculturalism Education Fund

The original volume was prepared with the support of a grant from the Alberta Human Rights, Citizenship and Multiculturalism Education Fund.

United Way of Calgary and Area and Calgary Community Lottery Board



Printing, disseminating and in-servicing of the first edition in Calgary secondary schools was made possible with the support of grants from the Calgary Community Lottery Board and the United Way of Calgary and Area.

Board of Directors of the Alberta Civil Liberties Research Centre

Edwin W. Webking, Chair; Janet Keeping, Treasurer; Doreen Barrie; Michael Greene; Michael Wylie; Jennifer Koshan and Alistair Lucas.

Principal Researcher and Writer – first edition

Tony Lucas, B.A., LL.B., Human Rights Educator.

Update Researcher and Writer – second edition

Jan Goodwin, B.A. (Dist.), Summer Law Student.

Update Researcher and Writer – third edition

Mira Kunes, B.Sc., LL.B., Contractor.

Legal Editor

Linda McKay-Panos, B.Ed., LL.B., LL.M., Executive Director.

Assistants

Asad Chaudhary, B. Eng., Summer Law Student.

Hina Thaker, B.A., Summer Law Student.

Megan Roach, B.A. (Hons.), Education Practicum Student.

Karen Fontaine, B.Sc., Education Practicum Student.

Verna-Lynn Parker, B.A., Education Practicum Student.

Melissa Luhtanen, B.A., LL.B., Human Rights Educator.

Pamela Dos Ramos, B.A., M.A., Ph. D., Human Rights Educator.

Elizabeth Seale, B.A., LL.B., Human Rights Educator.

Project Management

Stephanie Willisroft, B.A., Administrator.

Linda McKay-Panos, B.Ed., LL.B., LL.M., Executive Director.

The Research Centre appreciates the contributions of:

Rhea Castillo, Jill Eslinger, Susana Aravena, Farah Dattoo and Stacey Jackson.

ACLRC's home page is located at: www.alcrc.com

Foreword

This teacher's and student's manual is intended to provide teachers and community educators with information and activities to use when teaching students about human rights and the newspaper. Individual manuals are available for each province and territory. Each includes information on:

- The *Universal Declaration of Human Rights*
- The *United Nations Convention on the Rights of the Child*
- The *Canadian Charter of Rights and Freedoms*
- Provincial human rights legislation
- Newspaper structure and content
- Critical reading

Following the background information are useful student activities. The activities are designed to stand alone or to be integrated into various curricula. The time required to complete an activity will vary with the student and the situation. Each activity includes a list of objectives, materials needed, and reproducible pages for making handouts and transparencies. Part Two of the resource includes handouts, overheads and websites that accompany this part.

Human rights are an appropriate topic in many courses. Exactly where this material will apply will differ in each situation. Teachers must view the manual and make their own decisions regarding the pertinence of the background information and activities. Generally, the activities in this manual could be valuable in Social Studies, Language Arts, Humanities, Law, Personal Development and Health courses.

While these subjects are the most obvious areas to teach human rights issues, teaching opportunities should not be restricted to these areas. Teachers and students face human rights issues every day, both in the classroom and in the school yard. Human rights affect the way students and teachers interact with one another.

Linda McKay-Panos
August, 2008

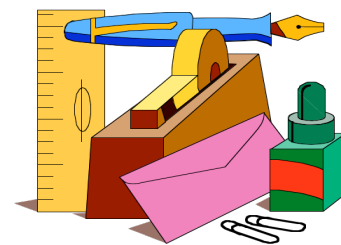
Table of Contents

CHAPTER 1—INTRODUCTION TO HUMAN RIGHTS.....	3
Background Information	3
Human Rights—What Are They About?	4
Human Rights—A Brief History	4
Human Rights—Two Categories	5
Human Rights—The Past 50 Years.....	6
The <i>Universal Declaration of Human Rights</i>	7
Human Rights Are Not Absolute	8
Discrimination.....	8
Discrimination, Prejudice and Stereotypes.....	9
Examples of discrimination, prejudice and stereotyping:	10
Forms of discrimination:.....	11
NEWSPAPERS AND HUMAN RIGHTS	11
Human Rights Vocabulary	15
ACTIVITIES—JUNIOR HIGH	19
ACTIVITIES—SENIOR HIGH	24
CHAPTER 2—NEWSPAPERS AND HUMAN RIGHTS.....	28
Background Information	28
Newspapers, Discrimination and Stereotypes.....	28
Critical Reading: Fact vs. Opinion.....	32
Bias	35
Stereotypes.....	38
Statistics on Newspaper Readers	39
Structure of the Newspaper.....	45
ACTIVITIES—JUNIOR HIGH	51
ACTIVITIES—SENIOR HIGH	54
CHAPTER 3—INTERNATIONAL HUMAN RIGHTS ISSUES.....	57
Background Information	57
Charter-Based Bodies of the United Nations.....	58
Treaty-Based Bodies of the United Nations	60
How to Make a Complaint to the United Nations.....	62
International Humanitarian Law	69
SOME INTERNATIONAL HUMAN RIGHTS ISSUES OFTEN SEEN IN THE NEWSPAPER.....	70
Peacekeeping.....	70
Landmines.....	70
Immigration and Emigration.....	71
Refugees	72
War Criminals.....	73
War Crimes Laws in Canada	74
Human Rights Advocacy and Letter Writing	76
ACTIVITIES—JUNIOR HIGH	78
ACTIVITIES—SENIOR HIGH	81

CHAPTER 4—HUMAN RIGHTS ISSUES IN CANADA AND ALBERTA.....	84
BACKGROUND INFORMATION	84
The Canadian Charter of Rights and Freedoms.....	84
Fundamental Freedoms—Section 2	86
Democratic Rights—Charter sections 3 to 5	87
Mobility Rights—Charter section 6	87
Legal Rights—Charter sections 7 to 14.....	87
Equality Rights—Charter section 15.....	88
The “Notwithstanding Clause”—Section 33	90
To whom does the Charter apply?.....	90
Provincial Human Rights Legislation	90
Gender and Sexual Orientation: Current Human Rights Concerns	91
Employment.....	93
Services Customarily Available to the Public	95
Notices	96
Defences	96
The Purpose of Provincial and Territorial Human Rights Laws.....	97
Making a Complaint to the Alberta Human Rights Commission	97
Hate Propaganda	99
The Criminal Code and Hate Propaganda	101
The Criminal Code and Hate-Related Crimes	102
ACTIVITIES—JUNIOR HIGH	104
ACTIVITIES—SENIOR HIGH	107
CHAPTER 5—HUMAN RIGHTS AND YOUTH	111
BACKGROUND INFORMATION.....	111
The United Nations Convention on the Rights of the Child.....	111
Canada’s Reporting Obligations for the Convention on the Rights of the Child ...	114
How Children Can Use International Conventions.....	115
Child Labour	115
Craig Kielburger and Free the Children	116
Age Discrimination	119
ACTIVITIES—JUNIOR HIGH	123
ACTIVITIES—SENIOR HIGH	126
Alberta Curriculum Summary	128

CHAPTER 1—INTRODUCTION TO HUMAN RIGHTS

Chapter Purpose: *The overall approach for this chapter is to use the newspaper to discover and explore the meaning of human rights.*



Objectives:

1. Students will gain a general understanding of what human rights are, including the fact that with rights come responsibilities.
2. Students will learn to identify human rights issues in the newspaper.
3. Students will gain knowledge about current human rights issues, both in Canada and throughout the world. This will include developing an awareness and understanding of the impact of human rights abuses throughout the world, and that they are condemned internationally.
4. Students will gain an appreciation of the importance of standing up for their own rights as well as those of others.

Background Information

Definition

Funk & Wagnalls Standard College Dictionary provides the following definition for the word “right”: *A just and proper claim or title to anything, or that which may be claimed on just, moral, legal or customary grounds.*¹

For the phrase “natural rights”, Funk & Wagnalls says: *Rights with which mankind is supposedly endowed by nature.*²

Finally, Black’s Law Dictionary says that “right” means *justice, ethical correctness, or consonance with the rules of law or the principles of morals.*³



¹ Funk & Wagnalls Standard College Dictionary, Canadian Edition. Edited by Walter S. Avis. (Toronto: Fitzhenry & Whiteside Limited, 1980) at 1157.

² Funk & Wagnalls, at 1158.

None of these sources provides a definition of “human rights”, even though this phrase has been a common one ever since the United Nations first drafted the *Universal Declaration of Human Rights* in 1948. Simply put, human rights are moral rights that belong to everyone. The only qualifications required to obtain human rights are to be born and to be human. It does not matter where you live, who your friends and family are, how much money you have, what race or ethnic group you belong to or identify with, or whether you are female or male. All of us have the same human rights, because we are all human.

Human Rights—What Are They About?

At their core, human rights are concerned with very basic issues. They include the right to life, liberty and a decent human experience. Human rights also include all of the political, social, and economic rights necessary for people to live dignified lives.⁴

Human Rights—A Brief History

The idea that human beings are entitled to certain basic rights is not new.⁵ The first laws dealing with human rights were established four thousand years ago by the Babylonian ruler Hammurabi. As time passed, virtually every major religion embraced the dignity of human beings. However, not all religious leaders had the same ideas about the content of human rights. For example, many believed that slavery was acceptable and that women should not have as many rights as men.

In 1215, a document called the *Magna Carta* was drafted in England. It provided the foundation for many of the human rights laws that exist today throughout the world. It said that no one, not even a monarch, was above the law. Some of the rights contained in the *Magna Carta* made their way into legislation that was drafted in the 18th and 19th

³ *Black's Law Dictionary*, Henry Campbell Black. (St. Paul: West Publishing Co., 1979) at 1189.

⁴ M. Kronenwetter, *Taking a Stand Against Human Rights Abuses* (Toronto: Franklin Watts, 1990) at 18.

⁵ Jean Pictet, *Development and Principles of International Humanitarian Law* (Geneva: Henry Dunant Institute, 1985) at 3.

centuries in the United States and France. During this time, the notion of liberalism was prevalent throughout western nations. Liberalism included the idea that citizens had inherent, fundamental, and inalienable rights. In other words, people were entitled to these rights by virtue of being human, and people could not lose these rights for any reason whatsoever.

Human Rights—Two Categories

Human rights are divided into two general categories. First, civil and political rights are concerned with giving individuals freedom of action, freedom of choice and freedom to participate in political life. These rights are sometimes referred to as “civil liberties”. They include:

- freedom of speech;
- freedom of movement;
- the right to vote;
- freedom of religion and conscience; and
- freedom of thought, belief and expression.

Second, economic, social and cultural rights seek to protect peoples’ physical, material, social, and economic well-being. They include:

- the right to work;
- the right to rest and leisure; and
- the rights to adequate food, clothing, housing, and medical care.

The foundation of human rights is the belief that everyone is born with equal rights and dignity.

One set of rights is not more important than the other. A particular situation will determine a person’s priorities. For example, people facing starvation may find the concept of freedom of expression to be irrelevant at that time.⁶ All rights are interrelated and dependent upon one another.

⁶ Amnesty International, *Human Rights Education* (1989) at 2.

Human Rights—The Past 50 Years

Why are human rights discussed so often today? Why have they become such an important topic internationally, as well as nationally and locally? The answer is found in the aftermath of World War II. People were aghast at the terrible abuse millions had suffered during the war, and wanted to take every possible step to ensure that World War III did not occur. As a result, immediately following the end of the war in 1945, forty-five nations came together and created an organization pledged to promote “universal respect for and observance of human rights and fundamental freedoms.” That organization was, and still is, called the United Nations.⁷

In this chapter and in chapter 3, international human rights laws and how they apply to Canadians will be examined. The *Canadian Charter of Rights and Freedoms* and provincial human rights legislation will be examined in chapter 4. Below is a brief summary of human rights laws and how they apply to Canadians. The Chart will be a useful reference in later chapters.

Application of Human Rights Law to Canadians

Law or Legislation	To whom does it apply?	Whom does the law protect?	What rights are covered by the law?	Where will one go for assistance?
International Bill of Rights	federal and provincial governments	Canadians	basic human rights and civil liberties	after all legal avenues do not work in Canada, make individual complaint or communication to the United Nations
Canadian Charter of Rights and Freedoms	federal, provincial and municipal governments	Canadian citizens or individuals (see wording of individual sections)	basic human rights and civil liberties	Canadian courts are permitted to provide Charter remedies
Provincial human rights legislation	provincial governments and private citizens	people in the particular province	freedom from discrimination in particular settings (e.g., employment and tenancy) under particular grounds	various provincial human rights commissions administer the legislation

⁷ For more information on the United Nations see *Basic Facts About the United Nations*. Copies can be purchased online at <http://unp.un.org>.

			(e.g., race and religion); settings and grounds vary between provinces	
Canadian federal human rights legislation	federal government and private businesses under federal jurisdiction (e.g. banks)	people dealing with the federal government or businesses under federal jurisdiction	freedom from discrimination in particular settings (e.g., employment and tenancy) under particular grounds (e.g., race and religion)	Federal Human Rights Commission
Criminal Code of Canada	individuals in Canada	individuals in Canada	war crimes and hate crimes provisions; harassment and assault laws; sentencing provisions for crimes involving discrimination	Courts/police

The Universal Declaration of Human Rights

The United Nations originally consisted of the nations who were eventually victorious in World War II. On December 10, 1948, the United Nations passed the *Universal Declaration of Human Rights* (UDHR). Below is a brief description of the content of some important articles (sections) contained in the UDHR.

- Article 1:** All human beings are born free and equal in dignity and rights.
- Article 2:** Everyone is entitled to all of these rights in the UDHR regardless of race, colour, sex, language, religion and place of origin.
- Article 3:** People have the right to life, liberty and security of the person.
- Article 5:** No one shall be subject to torture or to cruel, inhuman or degrading punishment.
- Article 9:** No one shall be subjected to arbitrary arrest, detention or exile.
- Article 10:** Everyone is entitled to a fair trial by an independent tribunal.
- Article 11:** Everyone has the right to be presumed innocent.
- Article 18:** Everyone has the right to freedom of thought, conscience and religion.
- Article 19:** Everyone has the right to freedom of opinion and of expression.
- Article 23:** Everyone has the right to work and to free choice of employment.

Article 24: Everyone has the right to rest and leisure, including reasonable working hours and holidays with pay.

Article 25: Everyone has the right to an adequate standard of living, including food, clothing, housing, social services and immediate care.

Human Rights Are Not Absolute

It is important to understand that human rights are not absolute. With these rights come responsibilities. The UDHR emphasizes this in article 29(2), which states that people have duties towards others. A person's rights and freedoms are limited by the need to respect the rights and freedoms of others. In other words, having rights also means being fair to others—to each other, to our families and to the community we live in. Sometimes, however, it can be difficult to determine what is fair. Limits must be imposed on a person's rights when those rights come into conflict with another person's. If one person is allowed to do whatever she wants whenever she wants, it automatically means that other people cannot do whatever they want whenever they want. Deciding what kinds of limits can be justifiably imposed on a particular right is often not easy. For example, freedom of speech is a good thing for the most part. However, when hateful speech is directed at other people, it might cause these other people to feel threatened, and might contravene their right to security of the person and their right to equality and dignity, among other rights. Deciding exactly what people can and cannot say is an extremely challenging task that is fraught with controversy.

Discrimination

The foundation of human rights is the belief that everyone is born with equal rights and dignity, as article 1 emphasizes. Another way of saying this is that everyone has the right not to be discriminated against. It is difficult to come up with a precise legal definition of the word “discrimination” because what we hold to be discrimination is constantly evolving. It changes over time as societal values change. What is considered to be discrimination today was in many cases not considered to be discrimination one hundred

years ago.⁸ For example, in the early part of this century women were not allowed to vote, and it was not until 1918 that some women were permitted to vote in federal elections. In Alberta, women were not allowed to hold civic, judicial or governmental positions until 1930. Still, if you were looking for a very basic and non-legal definition of discrimination, you could say that it is treating someone unequally and unfairly.

Discrimination, Prejudice and Stereotypes

In order to better understand the meaning of discrimination, it is important to distinguish between discrimination, prejudice, and stereotyping. Legally, discrimination can be described as unfair treatment because of a certain characteristic. The characteristic can be race, religion, nationality, or a physical disability, to name a few.

Discrimination is based on prejudice, which is an attitude or belief that is formed or held without really considering the facts.⁹ Prejudice means judging in advance.

Stereotyping involves making universal assumptions without knowing all the facts. A stereotype assumes that all members of a group share some general quality, such as they are all smart, or stupid, or hard-working, or bad drivers. Stereotyping of people or groups can be derogatory and can lead to prejudice and discrimination.

Stereotyping and prejudice involve thinking in a certain biased way. Discrimination is different in that it involves actually acting on these biased thoughts. People are often hurt by prejudicial attitudes and discriminatory behaviour. People may lose out on jobs or apartments because of discriminatory attitudes. The law cannot control stereotyping or prejudiced attitudes because they are only thoughts. However, it can address discrimination. For example, a person may be prejudiced against people with brown hair. If this person keeps the prejudiced feeling to herself or himself, then it is not illegal.

⁸ Russel Zinn and Patricia Brethour, *The Law of Human Rights in Canada* (St. Aurora: Canada Law Books Inc., 1996) at 1-2.

⁹ Alberta Human Rights Commission, *Human Rights: Respecting Our Differences Students' Manual* at 6.

However, if this person starts to beat up all people with brown hair, it becomes discrimination, which is illegal and can be acted upon by the authorities. Prejudice is a state of mind, while discrimination is a definite action that results from prejudice.

Examples of discrimination, prejudice and stereotyping:

1. ***Joe says he doesn't like Martians, even though he has never met a Martian.*** Joe is prejudiced against Martians.

2. ***Jeff refuses to eat shrimp, because he insists that he will not like it, even though he has never tried it before.*** Jeff is prejudiced against shrimp. However, in this particular case Jeff's prejudice is unlikely to cause harm to anyone. Prejudiced attitudes do not always result in negative consequences.

3. Jenny fell and hurt her leg. She was approached by a female doctor but refused help. ***She does not trust female doctors, even though she has never been treated by one.*** Jenny is prejudiced against female doctors, and is discriminating against the one who tried to help her. In this case, Jenny's prejudiced attitude may negatively affect the female doctor, who is not being treated with the dignity and respect that she deserves. Jenny's prejudice may also affect herself negatively, because her attitude will result in a delay before her injured leg is treated. Discrimination hurts not only those who are its victims, but also its perpetrators.

4. Jill wanted to play on the boys' soccer team. ***She is a skilled player and can easily outrun most of the boys on the team, but the coach won't even let her try out.*** The coach is discriminating against Jill. Once again, both people are negatively affected by the discrimination. Jill cannot play on the team, and the coach loses a good player.

5. Holly owns an apartment building in town. ***She makes it a policy to rent only to married people.*** Holly is discriminating against single people and unmarried partners.

6. *All Asians are excellent mathematicians.* This is an example of a stereotype. Although this appears at first to be a positive stereotype, it can still be harmful. For one thing, it is not true—not all Asians are good at math. If you were Asian and you were not good at math, you might feel as though there was something wrong with you.

Forms of discrimination:

Direct Discrimination: *When a rule or policy obviously discriminates against a particular group of people.* For example, an employer who has a policy that states that no persons of colour, women or Catholics may be hired is directly discriminating against these groups. Direct discrimination is easy to spot.

Adverse Effect Discrimination: *When the discrimination is not intentional.* For example, an employer may have a policy that appears to be fair because it applies to all people, but is actually unfair to a certain group. There was a Canadian legal case that involved two female pilots who were refused employment because they did not meet the standard height requirement.¹⁰ Although the height requirement applied to everyone, it had the effect of eliminating 82% of women from employment as pilots. Even though employers may not intend to discriminate it may still be considered to be discrimination because the law looks at the impact of the company policy, not its intent.

Systemic Discrimination: *When a number of policies, rules and attitudes act together to form an atmosphere of discrimination.* This kind of discrimination is difficult to detect, and emerges only over time.

NEWSPAPERS AND HUMAN RIGHTS

Newspapers and human rights have a very close relationship. A large percentage of newspaper stories relate directly to human rights issues. In fact, human rights concepts can be found, at one time or another, in virtually every section of a newspaper. Here are some examples from only one edition of two different newspapers:

¹⁰ *Chapdelaine v. Air Canada* (1988), 9 Canadian Human Rights Reporter D/4449 (Can. Hum. Rts.).

City Section:

- Acreage owners are set to battle a local energy company's plan to extend the life of an aging sour gas pipeline in their community that has been prone to leaks in the past. (Human rights issues: right to **security of the person**—the acreage owners are concerned about their health and safety because the pipeline has been known to leak. Also: right to **work** and to **free choice of employment**—the people operating the pipeline want to continue to make their living as they have been.)
- The Worker's Compensation Board says it checks the criminal records of claimants and red-flags their files to alert employees who come into contact with them. (Human rights issues: right to **privacy**, right to **security of the person**, right to be **presumed innocent**.)
- Possible water contamination from a neighbourhood's private lake. (Human rights issue: right to **security of the person**.)
- A man charged with planning to blow up the homes of three people made his first court appearance. (Human rights issues: right to **liberty**—if convicted, the man will lose this right. Also: right to **security of the person**—the people whose homes the man allegedly planned to blow up are concerned for their safety.)

Entertainment Section:

- Billionaire invests in a New Age TV station. (Human rights issues: the right to **freedom of religion**, the right to **freedom of expression**.)
- Dead TV star's widow sues a tabloid for portraying the star's marriage as troubled and for saying the star was involved in illegal drugs and pornography. (Human rights issues: the right to **freedom of expression** and the right to **privacy**.)

Sports Section:

- Hockey officials and organizations deny responsibility for sex abuse perpetrated by junior hockey coach. (Human rights issues: right to **liberty** and **security of the person**.)
- Sprinter who was suspended for steroid use applies for reinstatement with the track federation and is denied. (Human rights issues: right to **liberty**, right to **work** and to **free choice of employment**, right to a **fair trial**.)

Business Section:

- Telecommunications and postal workers went on strike to demand higher pay. (Human rights issues: the right to **work** and **free choice of employment**, the right to **freedom of opinion** and of **expression**.)

Front Section:

- Women working as strippers are warned that they can only look, not touch at strip shows. (Human rights issues: right to **freedom of expression**, right to **work** and **free choice of employment**.)
- Hotel operators applied for slot-machine gaming rooms, but were denied. (Human rights issues: the right to **work** and to **free choice of employment**.)
- A man accused of dragging his dog behind a truck until the animal's paws were skinned to the bone was confronted by an angry mob. (Human rights issues: the right to **liberty** and **security of the person**: the accused has right to security of the person; not to be accused by an angry mob despite his alleged crime.)
- Man enters Jewish Centre and shoots children. (Human rights issues: the right to **life**, **liberty** and **security of the person**, the right to **equality** regardless of **race, colour, sex, language, religion and place of origin**, the right to **freedom of thought, conscience and religion**.)
- People infected with hepatitis C through blood transfusions receive compensation. (Human rights issues: the right to **life** and **security of the person**.)

- Illegal migrants are deported. (Human rights issues: the right to **life, liberty and security of the person**, the right **not** to be subjected to **arbitrary arrest, detention or exile**, the right to **work**, the right to a **fair trial** by an independent tribunal, the right to be **presumed innocent**.)

All of these stories are from only one day's news, and in fact there were more stories relating to human rights than these ones. Clearly, newspapers and human rights have a close connection. They are important to each other for many reasons. One is that, as demonstrated above, newspapers obtain much of their content from stories relating to human rights issues. Another reason is that by publishing accounts of events that occur, the newspaper, at least in a democratic country, uses the right to freedom of expression, and in columns and editorials, the right to freedom of opinion. In fact, the relative ability of an area's newspaper to speak its mind provides an accurate barometer of how many freedoms the citizens of a country are likely to possess. If a newspaper is controlled by the government, and therefore never questions or criticizes the government, then the nation's citizens likely do not have the right to criticize or question the government either.

Newspapers, if they are operating in a free market economy, are likely to favour a very broad approach to freedom of expression, because that is their entire function: to express stories, ideas, opinions, statistics, etc. This is true for the entire media, not simply newspapers. However, it is important to realize that as far as the issue of freedom of expression is concerned, newspapers may have a somewhat biased view. They are unlikely to promote or support publication bans, and will be concerned that any limit on freedom of expression, even if it has as its goal the prevention of a type of expression that a newspaper does not use, will be a threat to their ability to express themselves in the ways they see fit.

Human Rights Vocabulary

Here are some words and phrases (with definitions) that indicate an underlying human rights issue. These words are used in an activity, described below in the activity section.

aboriginal rights: rights belonging to the original inhabitants of a country.

abortion: a miscarriage produced artificially and on purpose.

basic needs: what people require in order to live and sustain a minimal level of health.

capital punishment: the penalty of death imposed upon someone who has committed a crime.

ensorship: the action of suppressing material that someone in control finds politically or morally objectionable.

child labour: the full-time employment of minors under a legally defined age.

citizenship: the quality of possessing a certain number of civil and political rights in a certain state or country.

defamation: communicating in a way that harms the reputation of another person, lowering her or him in the estimation of the community or deterring third parties from associating or dealing with her or him. Defamation is illegal, and can be both a criminal and a civil law matter.

democracy: a form of government in which political power resides in all the people and is exercised by them directly or is given to elected representatives with each citizen sharing equally in political privilege and duty, and with this situation protected by free elections.

deportation: the act of expelling someone from a country, usually involving sending a person whom a country has deemed undesirable back to her or his native country.

dictatorship: a state or country under the control of a dictator, who has absolute powers of government. Often, “dictator” refers to a leader considered by many to be a tyrant or an oppressor.

disabled: people whose functional ability is restricted in some way so that their bodies or minds do not allow them to function in the ways that are customarily expected.

discrimination: to act with prejudice toward an individual or a group of people.

displaced persons (or displaced people): people who have fled or been driven from their communities to other areas within their country or territory.

equality: the state of being equal, which means having the same rights and responsibilities as everyone else in a particular community.

ethnic cleansing: the racist activity of forcing people of a particular ethnic background to leave a particular area in order to create a population comprised only of one or more specific ethnicities.

euthanasia: the deliberate putting to death, in an easy, painless way, of a person suffering from an incurable and agonizing disease.

(in) exile: the situation people find themselves in when they have been expelled from their country by the official authorities for political reasons.

freedom of expression: a right guaranteed in some democratic countries that allows citizens to express themselves as they wish. The right to freedom of expression includes the right to the following freedoms: freedom of speech, freedom of religion, and a free press.

genocide: the systematic extermination or destruction of an entire people or national group.

harassment: unwanted attention that has a negative effect on someone's work or school environment and makes that person feel uncomfortable or threatened.

hate propaganda: material that promotes bias, prejudice and discrimination against certain groups, usually ethnic or religious groups.

human rights commission: in Canada, a body formed by provincial human rights codes or by the *Canadian Human Rights Act* that receives and investigates alleged human rights violations.

immigrant: a person who has come into a country or region of which she or he is not a native in order to settle there.

indigenous people: people who are native to a certain region.

land mines: explosive bombs placed discretely in the ground that detonate when someone comes into contact with them.

language rights: rights regarding what languages can and cannot be used in different situations in a particular nation.

migrant: a person who periodically moves from country to country, usually because she or he does not feel safe in her or his country of origin, and is not legally within the boundaries of the countries she or he migrates to.

minorities: racial, religious, political or national groups smaller than and usually different in some ways from the larger group that populates a particular area or country.

persecution: the mistreatment or oppression of people because of their race, religion or beliefs.

pornography: communication of which the dominant characteristic is the exploitation of sex. More extreme examples add to the exploitation of sex the exploitation of such subjects as crime, horror, cruelty and violence.

poverty: the condition or quality of being poor without sufficient sustenance.

prejudice: a judgment or opinion formed beforehand without thoughtful examination of the pertinent facts, issues, or arguments. Prejudice often manifests itself as an irrational hatred or dislike of a particular group, race or religion.

publication ban: the legal exclusion of press and public from a trial, sometimes because of concerns for a child involved with the proceedings.

race: a group of people having or assumed to have a common origin and a constant set of genetically determined physical traits.

racism: a belief in or advocacy of the superiority or inferiority of a particular group on the basis of supposed racial differences.

referendum: a vote by the people of a nation, state or province on a public measure that has been proposed by the government.

refugee: a person who flees a particular country or area to escape persecution or political danger.

reproductive rights: rights pertaining to the act or the power to produce offspring.

sexual orientation: the particular disposition of a person's sexual interest, whether it is with the opposite sex, the same sex, or either sex.

slavery: legalized behaviour that involves human beings being owned by other human beings as though they are property.

torture: the infliction of or subjection to extreme physical pain, often implemented systematically by repressive governments or regimes.

totalitarian: a kind of government or regime that is maintained by political suppression or terror.



ACTIVITIES—JUNIOR HIGH



Materials: (for overheads and handouts, see Appendix)

- Newspapers
- Handout 1: The Ship of Rights
- Overhead 1: The *Universal Declaration of Human Rights*
- Handout 2: Word Search
- Handout 3: Vocabulary
- Handout 4: Brief History of the *Universal Declaration of Human Rights*

1. Fairness

An easy way to access the concept of human rights is through the idea of *fairness*.

- Have the students look in the newspaper for an unfair situation.
- Have the students write down where the events surrounding the unfair situation are taking place, and who is involved. This will include attempting to identify who is the victim and who is responsible for the situation.
- Have the students analyze the unfair situation, and write down why it is unfair, and what they would do to rectify it.

2. Fairness (part 2)

- Assist the students to locate examples of situations in the newspaper that involve someone trying to bring fairness to a situation that was previously unfair. (This will be more difficult to find than a situation that is simply unfair.) For example, an article entitled “Liberal government plans \$190-million in new aid for farmers” would qualify.
- Have the students identify where the events took place and who was involved.
- Have the students identify the methods used to rectify the previously unfair situation, as well as who was responsible for the improvement, and what obstacles had to be overcome.

3. Standing Up

This activity will demonstrate to students that rights issues do not only apply to people who are mentioned in the newspaper. In fact they apply to everyone.

- a. Ask students to compare in writing the situation they discussed in activity #2 with a situation in their own lives that involved them or someone they know “standing up” for a certain belief or a certain right.
- b. The composition should include information about whether taking a stand was successful or not, and discuss why it was or was not worth it for the person involved.
- c. Ask students to write about a situation where they wished they had taken a stand, but did not. They should say why they should have taken a stand, why they did not, and how the result made them feel. If appropriate, have the students share their experiences with their classmates.
- d. Students can imagine and write about what would be a triumphant example of standing up for something they believe in. They could include a discussion about whether such a situation could actually happen, and explain why this is so.

4. Human Rights Vocabulary

Certain words provide an indication that a human rights issue is being discussed.

- a. Without giving the students the definitions, ask them to search the newspaper for the words or phrases in Handout #3. Inevitably, some of the words will be in a particular edition of a newspaper, and some will not. (Exactly how many words each student discovers is not important. While searching for these words, the students will become more familiar with the newspaper as a whole, and with the different sections and purposes of the newspaper.)
- b. For the words they find, students will write down what they think the word means, based upon the context in which they discovered it in the newspaper. Students may invent their own definitions for the words they do not find in the newspaper.
- c. As a class, discuss the meanings students have created for the words and compare them to the definitions provided in the background information above.

5. The Universal Declaration of Human Rights

- a. Discuss the background material with the students (use overhead 1).
- b. Distribute a copy of the *Universal Declaration of Human Rights* to students.
- c. Discuss some of the most important articles.
- d. Discuss the difference between civil and political rights and economic and cultural rights. Voting in elections, joining a trade union and writing a letter to a newspaper are all examples of exercising civil and political rights. The right to eat, the right to health and the right to work are all examples of economic, social and cultural rights. Ask students for other examples of civil and political rights. Ask students what kinds of things in Canada help to provide for economic, social and cultural rights. Examples of this include provincial medical insurance, free education and old age pensions.

6. Rights and Responsibilities

- a. Discuss the difference between “rights” and “responsibilities”. Students then list five human rights they have or think they should have. The rights could be at home, school, or anywhere.
- b. The students will list five responsibilities they have or think they should have.

Examples:

The right to:

1. rest and leisure time
2. food and shelter
3. be listened to

The responsibility to:

1. attend school
2. listen to others
3. be fair to others

7. Ranking Rights

- a. Distribute Handout #1 to the students.
- b. Explain to students that they are on a sinking ship. In order to stop the ship from sinking, the students have to throw some rights overboard.
- c. Instruct the students to number the rights from 1 to 10 starting with the first right that they would throw overboard. Make sure that the students understand

that they are throwing away the least important right first. Number 10 will be the most important right.

d. Vote on the different rights in order to come up with a class ranking of the importance of each right.

e. Compare the class ranking with the rankings of the students. Do any of the students' rankings match the class ranking exactly? Discuss with the students why some people have different opinions on what rights are important, and why people's values differ.

8. Discrimination

a. Using the materials on pages 7 to 9, discuss the difference between prejudice, stereotyping and discrimination. Ask the students to find examples of stereotyping and discrimination in the newspaper. Where possible, have the students identify whether the discrimination is direct discrimination, adverse effect discrimination or systemic discrimination.

b. Ask students to compare their examples of discrimination with the situations regarding fairness that they examined in activities 1 and 2. Do the unfair situations from before involve discrimination? What kind?

9. Word Search

Have the students complete the word search in handout #2. Some of the words are the same or similar to the ones in activity 4, and some are different.

10. Internet Activities

a. Using the World Wide Web, have the students locate and write a report about five human rights organizations—where they are located, the human rights issues they address and how they address them. For example, one such organization is Amnesty International. Students may then create posters detailing the information about the various agencies. See the appendix for a list of web sites.

b. Students may look up different newspapers on the web. Ask the students to choose three newspapers from the web, list the contents and coverage. Ask

students to find articles that are dealt with both in print and on the web. Students can compare and contrast internet information to what is printed on paper.

11. International Human Rights Day

The United Nations has declared that December 10th is International Human Rights Day. What might your class or school do to celebrate the day? For activities and ideas, write to the United Nations Association, Suite 300, Cooper Street, Ottawa, ON, K2P 0G5. Web site address: www.unac.org



ACTIVITIES—SENIOR HIGH

Materials: (for overheads and handouts, see Appendix)

- Newspapers
- Overhead 1: The *Universal Declaration of Human Rights*
- Handout 3: Vocabulary
- Handout 4: Brief History of the *Universal Declaration of Human Rights*
- Handout 5: Crossword and Crossword Solution

1. Fairness

An easy way to access the concept of human rights is through the idea of *fairness*.

- a. Have the students look in the newspaper for an unfair situation.
- b. Have the students write down where the events surrounding the unfair situation are taking place and who is involved. This will include attempting to identify who is the victim and who is responsible for the situation.
- c. Have the students analyze the unfair situation, and write down why it is unfair, and what they would do to rectify it.

2. Fairness (part 2)

- a. Assist the students to locate examples of situations in the newspaper that involve someone trying to bring fairness to a situation that was previously unfair. (This will be more difficult to find than a situation that is simply unfair.) For example, an article entitled “Liberal government plans \$190-million in new aid for farmers” would qualify.
- b. Have the students identify where the events took place and who was involved.
- c. Have the students identify the methods used to rectify the previously unfair situation, as well as who was responsible for the improvement, and what obstacles had to be overcome.

3. Standing Up

This activity will demonstrate to students that rights issues do not only apply to people who are mentioned in the newspaper. In fact, they apply to everyone.

a. Ask students to compare in writing the situation they discussed in activity #2 with a situation in their own lives that involved them or someone they know “standing up” for a certain belief or a certain right.

b. The composition should include information about whether taking a stand was successful or not, and discuss why it was or was not worth it for the person involved.

c. Ask students to write about a situation where they wished they had taken a stand, but did not. They should say why they should have taken a stand, why they did not, and how the result made them feel. If appropriate, have the students share their experiences with their classmates.

d. Students can imagine and write about what would be a triumphant example of standing up for something they believe in. They could include a discussion about whether such a situation could actually happen, and explain why this is so.

4. Human Rights Vocabulary

Certain words provide an indication that a human rights issue is being discussed.

a. Without giving the students the definitions, ask them to search the newspaper for the words or phrases in Handout #3. Inevitably, some of the words will be in a particular edition of a newspaper, and some will not. (Exactly how many words each student discovers is not important. While searching for these words, the students will become more familiar with the newspaper as a whole, and with the different sections and purposes of the newspaper.)

b. For the words they find, students will write down what they think the word means, based upon the context in which they discovered it in the newspaper. Students may invent their own definitions for the words they do not find in the newspaper.

c. As a class, discuss the meanings students have created for the words and compare them to the definitions provided in the background information above.

5. The Universal Declaration of Human Rights

- a. Discuss the background material with the students (use overhead 1).
- b. Distribute a copy of the *Universal Declaration of Human Rights* to students.
- c. As a class or individually, read the brief history of the *Universal Declaration of Human Rights*, provided in Handout #4.
- d. Discuss some of the most important articles in the *Universal Declaration*.
- e. Discuss the difference between civil and political rights and economic and cultural rights. Voting in elections, joining a trade union and writing a letter to a newspaper are all examples of exercising civil and political rights. The right to eat, the right to health and the right to work are all examples of economic, social and cultural rights. Ask students for other examples of civil and political rights. Ask students what kinds of things in Canada help to provide for economic, social and cultural rights. Examples of this include provincial medical insurance, free education and old age pensions.

6. Discrimination

- a. Using the materials on pages 9 to 11, discuss the difference between prejudice, stereotyping and discrimination. Ask the students to find examples of stereotyping and discrimination in the newspaper. Where possible, have the students identify whether the discrimination is direct discrimination, adverse effect discrimination or systemic discrimination.
- b. Ask students to compare their examples of discrimination with the situations regarding fairness that they examined in activities 1 and 2. Do the unfair situations from before involve discrimination? What kind?

7. Crossword

Have students complete the crossword puzzle in Handout #5. It contains human rights vocabulary.

8. Internet Activities

a. Using the World Wide Web, have the students locate and write a report about five human rights organizations—where they are located, the human rights issues they address and how they address them. For example, one such organization is Amnesty International. Students may then create posters detailing the information about the various agencies. See the appendix for a list of web sites.

b. Students may look up different newspapers on the web. Ask the students to choose three newspapers from the web, list the contents and coverage. Ask students to find articles that are dealt with both in print and on the web. Students can compare and contrast internet information to what is printed on paper.

9. International Human Rights Day

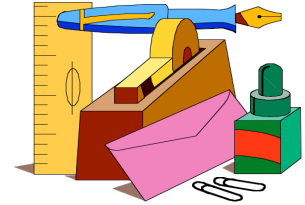
The United Nations has declared that December 10th is International Human Rights Day. What might your class or school do to celebrate the day? For activities and ideas, write to the United Nations Association, Suite 300, Cooper Street, Ottawa, ON, K2P 0G5. Web site address: www.unac.org

10. Human Rights Club

Give students the opportunity to form a human rights club. Open the membership to all interested students and staff. At the first meeting define the purpose of the club. Decide how many times the club will meet and what kind of activities will be held at the meetings.

CHAPTER 2—NEWSPAPERS AND HUMAN RIGHTS

Chapter Purpose: *The overall objective of this chapter is to learn about the newspaper and to critically interact with it using human rights as a subject matter.*



Objectives:

1. Students will gain an understanding of the functions, content, and structure of the newspaper.
2. Students will gain an understanding of the relationship between newspapers and human rights, and why they are important to each other.
3. Students will learn about critical reading and how it applies to the newspaper. This will include developing an ability to recognize bias and stereotypes in the media and why and how these ought to be eliminated.

Background Information



Newspapers, Discrimination and Stereotypes

Newspapers and human rights have a close relationship. The activities and background information in Chapter 1 of this guide focus on the way that newspapers tell stories about human rights. There is another side to this relationship, however. Newspapers can look at events or issues from a certain perspective, and can influence the way that a community's citizens feel about these events and issues. Newspapers themselves need to respect the human rights of individuals and groups to avoid promoting discrimination and creating conflict. Some argue that oppressive regimes use the media as an instrument to voice their viewpoints and to further their own agendas. In a democracy, newspapers are not operated by governments, but the political aspirations of the owners or the desire to sell more copies can lead editors to embellish stories and ignore the rights of the people they depict. Newspapers and the people who operate them are powerful. To make sure that they do not abuse their power there are rules, regulations, and laws that they must follow as well as principles that the newspaper profession strives to adhere to.

Laws, Regulations, Rules and Policies

To understand how newspapers are regulated, it is important to know the difference between laws, regulations, rules and policies. Primary sources of Canadian law include statutes, regulations, common law and the rules of court. Legislation, which is passed by Parliament and the legislatures, is applied by police, courts and the government. Regulations, by-laws and rules of court—sometimes called subordinate legislation—are passed by bodies that receive their authority from enabling legislation. The common law, which is judge-made law, is another major source of law. All of these laws are legally binding on individuals to whom they apply. On the other hand, policies and other procedures written by various organizations and businesses are not usually legally binding. However, if policies, principles or guidelines are breached, there may be agreed upon penalties or other consequences.

Newspapers are subject to Canadian laws. For example, in many jurisdictions, notices published in newspapers must not contravene the provincial human rights laws of the province they are published and circulated in. Provincial human rights laws are designed to prevent discrimination. Although the overwhelming majority of the advertising that appears in a newspaper is produced by sources other than the people who publish the newspaper, the newspaper is responsible for what it publishes, and must ensure that all advertising is appropriate, and meets the human rights standards established by law.

Another legal concern for newspapers is defamation. The written form of defamation, called libel, occurs when published material is likely to injure the reputation of any person by exposing her or him to hatred, contempt or ridicule.¹¹ Someone who has been the subject of a libelous statement can sue the publisher of the statement for damages. In order to ensure that they are not the targets of lawsuits, newspapers try to avoid publishing such statements. However, statements that might otherwise be called libel are acceptable if they are true. The effect of libel laws is to encourage newspapers and other publications to be truthful and accurate.

¹¹ Black's Law Dictionary, Henry Campbell Black. (St. Paul: West Publishing Co., 1979) at 824.

Newspapers are also subject to pressure to conform to certain standards, such as those applied by Advertising Standards Canada. Its Canadian Code of Advertising Standards is a voluntary set of guidelines. The Code says that advertisements shall not “(a) condone any form of personal discrimination, including that based upon race, national origin, religion, sex or age, (c) demean, denigrate or disparage any identifiable person, group of persons, firm, organization ... or attempt to bring it or them into public contempt or ridicule, or (d) undermine human dignity; or display obvious indifference to, or encourage, gratuitously and without merit, conduct or attitudes that offend the standards of public decency prevailing among a significant segment of the population.”¹²

An organization called The Canadian Newspaper Association has produced the following statement of principles:¹³

PREAMBLE

This statement of principles expresses the commitment of Canada’s daily newspapers to operate in the public interest. A newspaper is a vital source of information and a private business enterprise with responsibility to the community it serves.

FREEDOM OF THE PRESS

Freedom of the press is an exercise of every Canadian’s right to freedom of expression guaranteed in the Charter of Rights and Freedoms. It is the right to gather and disseminate information, to discuss, to advocate, to dissent. A free press is essential to our democratic society. It enables readers to use their Charter right to receive information and make informed judgments on the issues and ideas of the time.

INDEPENDENCE

The newspaper’s primary obligation is fidelity to the public good. It should pay the costs of gathering the news. Conflict of interest, real or apparent, should be declared. The

¹² Advertising Standards Canada (<http://www.adstandards.com/en/consumerSite/14CodeClauses.pdf>)

¹³ Canadian Newspaper Association (CNA) (<http://www.cna-acj.ca>)

newspaper should guard its independence from government, commercial and other interests seeking to subvert content for their own purposes.

ACCURACY AND FAIRNESS

The newspaper keeps faith with readers by presenting information that is accurate, fair, comprehensive, interesting and timely. It should acknowledge its mistakes promptly and conspicuously. Sound practice clearly distinguishes among news reports, expressions of opinion, and materials produced for and by advertisers. When images have been altered or simulated, readers should be told.

COMMUNITY RESPONSIBILITY

The newspaper has responsibilities to its readers, its shareholders, its employees and its advertisers. But the operation of a newspaper is a public trust and its overriding responsibility is to the society it serves. The newspaper plays many roles: a watchdog against evil and wrongdoing, an advocate for good works and noble deeds, and an opinion leader for its community. The newspaper should strive to paint a representative picture of its diverse communities, to encourage the expression of disparate views and to be accessible and accountable to the readers it serves, whether rich or poor, weak or powerful, minority or majority. When published material attacks an individual or group, those affected should be given an opportunity to reply.

RESPECT

The newspaper should strive to treat the people it covers with courtesy and fairness. It should respect the rights of others, particularly every person's right to a fair trial. The inevitable conflict between privacy and the public good should be judged in the light of common sense and with decency.

The Statement of Principles shows that people who produce newspapers know, or ought to know, that they can have a serious impact on society, and that there is a responsibility to conduct the publication of newspapers in accordance with strenuous moral principles. There are other interesting aspects to this statement of principles. One is the prominence

given to the concept of “freedom of the press”, to which is devoted an entire paragraph that immediately follows the preamble. While certainly vital to a newspaper, “freedom of the press” is a self-serving principle. Although most people believe that freedom of the press is generally a good idea, sometimes people will feel that certain issues should not be covered in the press in certain situation, in order to promote the common good. Because newspapers are all about expression, they will naturally be biased in favour of complete freedom of expression, even though at times the right to freedom of expression can come into conflict with other rights. This is why newspaper editorials on the subject of freedom of expression or freedom of the press are so often weighted heavily in favour of them. While an editorial promoting freedom of the press may be well argued and valid, readers may wish to consider the source of the opinion.

Another interesting paragraph is the one entitled “Community Responsibility”. Although this paragraph says that a newspaper’s “overriding responsibility is to the society it serves”, it also admits to four other areas of responsibility: readers, shareholders, employees and advertisers. The idea that “the operation of a newspaper is a public trust” is a pleasant one, but it is not hard to envision situations that would encourage a newspaper to put its own interests ahead of the community’s. For example, publishers and editors may feel pressure from shareholders, who want to make money, to increase sales and advertising revenues. As a result, some stories may be covered with more of a sensationalist angle than might be ideal, in order to catch people’s attention and induce them to buy the newspaper.

Critical Reading: Fact vs. Opinion

Critical reading involves not immediately accepting provided information at face value, but instead questioning it to see if it withstands close scrutiny. It involves reading between the lines to see not only what is said and asked, but also what is not said and not asked. Using critical reading techniques is especially crucial when reading newspaper reports on breaking events, because they are often presented as factual accounts. By “factual”, we mean real or actual—the truth. However, many factors, such as personal opinion or bias, can influence how people report facts. To see that one person’s “facts” concerning a particular event can differ from another’s, all one has to do is look at two

different newspapers and compare how they report on the same story. No two stories are exactly alike. It is not necessarily that one newspaper's reporting is more accurate than another's, but different writers and editors will choose to focus on different aspects of the same event. There are several reasons for this, one of which is that different newspapers are aimed at different readerships. Other reasons include writers' different styles and approaches, and the fact that some events are so large that inevitably different reporters will end up acquiring information from different sources who will have different perspectives on the events.

Newspaper columnists' reactions to news events are usually easily identifiable as personal opinions, but these writers have to be scrutinized carefully, because they can make their personal feelings appear to be facts. Advertising is another area that should be targeted for a critical approach. As opposed to news reports, which usually attempt to project an air of objectivity, advertisers, in order to portray their product or service in the most favourable light, dispense with objectivity from the outset. Critical reading helps consumers to avoid being misled.

The preceding discussion about why critical reading of newspapers is necessary covers ground that most adults are well aware of. However, young people are often more susceptible to the idea that if it is published, it must be true. Young children in particular will believe, for example, the most extravagant claims made by advertisers. The older children get, the more cynical they become. However, their cynicism is often directed at those close to them, such as their parents, instead of at society at large. As a result, many teenagers fail to question the different forms of media hype, including what they might see in a newspaper.

Media expert Dr. David Considine suggests an approach to teaching media literacy that focuses on deconstructing the news. News is often portrayed as a reflection of reality. Deconstructing news stories will show that they are like any other story, in that they are constructed in a certain way so that they will have a particular impact on the audience. This applies for all news, including content found in newspapers. This approach will demonstrate that news stories reflect only a partial reality, not reality itself. Teachers

often use a deconstruction approach when studying a novel or a poem. Students familiar with this approach should be able to recognize the parallel with newspaper content, and will realize that news stories can be presented in many different ways, depending on what styles, characters, settings, genres and themes are employed.

Dr. Considine's framework for deconstructing news focuses on the following components of a news story:¹⁴

THE STORIES

Newspapers must choose which stories they are going to cover. A variety of factors influence which stories are written, including what is deemed to be important, what readers will want to read, and what stories are easiest to cover. To highlight the selection process, it is helpful to compare a newspaper to another newspaper or a television or radio news broadcast and note how different presentations will focus on different events. If news were simply news, they would be covered in exactly the same way. (Also, note how people often refer to "the news", in much the same way that people will refer to "the law". Unlike the law, which is, or should be, the same for everybody in a particular jurisdiction, the news can be and is presented in different ways by different people every day.)

THE SEQUENCE

Newspapers present their stories in a particular order. Generally, the most important stories are at the front of the newspaper. Obviously, somebody has to make a decision about which stories are the most important. Questions about how this decision is made can be asked. Again, like in the above section on the stories, comparing different examples of news presentations to see who thinks which stories are important is a helpful way to bring this concept into focus.

THE SCOPE

¹⁴ Dr. David Considine, *How to Analyze News: A Practical Framework for Teaching Students*, National Telemedia Council, Madison, Wisconsin, Volume 39, Numbers 1-2, First/Second Quarter 1993. From the Media Awareness Network website (www.media-awareness.ca/).

Scope refers to how much space a story takes up in a newspaper. Not all stories are of the same length. Sometimes, a short story will be on the front page, while a longer one will occupy the back pages. Teachers and students can ponder questions about why this happens, and what the different amounts of space devoted to different stories reflect.

THE STRUCTURE AND STYLE

Although most newspaper reports are structured using the same inverted pyramid approach, different kinds of writing are employed throughout the newspaper. A story's structure can affect its impact. The style, which is related to the structure, includes the kind of vocabulary employed as well as aesthetic considerations, such as whether or not there is an accompanying photo, and the wording and size of the headline.

THE STATEMENT AND SLANT

Stories can be subjected to an examination of their objectivity. Some stories appear to be fairly neutral, while others take an obviously positive or negative slant.

THE ADVERTISING

Since most newspaper content is devoted to it, and most of its revenue derived from it, advertising should not be ignored. Newspapers and the information they provide would not be possible without advertising. This context, including the impact that advertisers could potentially have on how the news is presented, can be discussed.

Bias

One experience that will make someone aware of how newspaper reports are actually constructed stories, as discussed in the critical reading section above, is the experience of actually being present at an event that is subsequently covered in the newspaper. The newspaper report never portrays the event as you would have. An example is if you go to a sporting event, and then read the recap of the game the next day. Often, the reporter's

impressions of the game or contest differ greatly from yours. This experience does not apply only to sporting events. People who are present and involved in a more news-oriented event will often feel the same about the newspaper story pertaining to the event. Of course, if you were to write the story yourself, not everybody would be satisfied with your take on a particular situation either. The reason people are rarely satisfied with a published account of an event is that the writer has made certain judgments about the occurrence, and these judgments inevitably make their way into the story she or he writes. Everyone writing a story has to make these judgments; otherwise the story would never be written. When these judgments are slanted overwhelmingly and unreasonably in favour of a particular point of view, it is called bias.

Even writers taking great pains to be as neutral as possible will inadvertently allow some judgments to slip into their work. Determining whether or not bias is present is a matter of degree. Only a particularly slanted take will usually be called bias. A dictionary definition of bias is “A mental tendency, preference, or prejudice.”¹⁵ Bias in a newspaper story can be easy or difficult to detect, depending on your feelings about the subject being discussed. What you should look for is if you think that the tone of the article is unfair, and if it makes you angry. If you agree with the reporter’s approach to a certain topic, then you will not be upset or annoyed by the article, and you will not notice any bias. However, if the tone of the article does annoy you, and you think it is unfair, you will likely believe that the article is biased in some way.

In Chapter 1, Introduction to Human Rights, the ideas of fairness and human rights are linked. If a newspaper article describes a situation that you think is unfair, it is likely that a human rights issue is at stake. In this chapter, one of the issues we are examining is the way that newspapers can themselves affect human rights. There is a relationship between bias and fairness. Although a biased article may not necessarily contravene any human rights laws, such an article will cause people to react negatively because they think it is unfair.

¹⁵ Funk & Wagnalls Standard College Dictionary, Canadian Edition. Edited by Walter S. Avis. (Toronto: Fitzhenry & Whiteside Limited, 1980) at 136-37.

Although it is easier to detect bias when you feel that the tone of a particular article is unfair, it is possible to detect it in any event if you look for certain clues.

Here are some questions that you can ask to help determine if there is bias in a particular news article:¹⁶

1. How much importance is the item given? Look at where the article is placed on the page or in the newspaper itself and how much space it takes up, and ask yourself if the article is, in your opinion, accorded appropriate respect.
2. What sources are used? Look at whether sources only support the overall point of view of the article, or whether opposing views are represented as well. Writers will usually devote more space to sources that are favourable to their view, and can make one viewpoint appear more correct than another. Sometimes what would appear to be obvious sources are not even consulted. Sources can be named directly, or they can be described using vague terms such as “most people” or “official sources”. The more vague the source identification, the more suspicious the reader should be.
3. Does the headline reflect the content of the story? Some headlines are relatively neutral, while others convey a particular slant. Sometimes a “slanted” headline does not actually reflect the tone of the accompanying story.
4. What is the basic message of the story? Look at the message of the item and its context. Is it related to any wider issues? Also look at the methods used to convey the message, and whether the message is convincing or not. Sometimes apparently crucial points are left un-discussed, and sometimes arguments appear to be emotional ones that lack any supporting evidence.
5. Are “loaded” words used? Sometimes certain assumptions and value judgments made by the writer can be discerned because of word choices. For example, one person’s “freedom fighters” are another person’s “terrorists”.

¹⁶ Media Awareness Network, *Becoming Discerning Consumers of the Media*, Media Awareness Network website (www.media-awareness.ca/).

6. What do photos and captions say? If there is a picture accompanying an article, it will often focus on a particular aspect of it and can influence the overall affect the article has on the reader.

Finally, a question that sums up all of the others:

7. Who stands to gain? Ask who would benefit if the point of view presented in the story were to be believed by the public at large.

Stereotypes

Stereotypes, as discussed in Chapter 1, are universal assumptions that are made without knowing or considering all the facts. They assume that all members of a group share some specific quality. Rigid acceptance of stereotypes makes things simpler for people. Instead of having to come to grips with the idea that everybody is different, people can feel comfortable “knowing” that certain groups of people are all alike, at least in certain respects. Sometimes, newspaper stories resort to using stereotypes because it is easier than actually bothering to investigate to see if the stereotype is in fact true. Other times, writers and editors simply do not recognize the stereotypes they use.

An example of a racial stereotype that was readily adopted by several newspapers involved the April, 1994 shooting of a white woman by black robbers in a downtown Toronto restaurant. Several newspapers published security camera photographs of the suspects on their front pages. These pictures were so grainy and unclear that the three robbers could have been any black men. One newspaper quoted the homicide squad leader as advising people to cut out the photos and tape them to the visors in their cars, so that they would be able to recognize the robbers if they saw them. This resulted in people becoming terrified while in the vicinity of any black men.¹⁷

The crime discussed above was called “black crime”. Crimes involving specific ethnic groups are often labeled in a similar fashion. For example, the newspapers will often speak of “Asian crime”. However, although white people commit a preponderance of crimes in societies in which they form a majority, newspapers never refer to “white

¹⁷ John Miller, *How Canada's Daily Newspapers Shut Out Minorities*, Media Magazine, July 1994.

crime”. As a result, certain ethnic groups become associated with certain nefarious deeds, whereas white people are able to retain their individuality, and with it the ability to be evaluated on their own actions, not perceptions about their race.

Stereotyping does not apply only to crime reporting. Stories and photographs throughout the newspaper can evoke stereotypes. Human interest items, entertainment stories, and sports exposés can all contribute to stereotypes. Before sprinter Ben Johnson was revealed to be using steroids, stories about him were positive, and he was referred to as a Canadian. After the steroid discovery at the 1988 Seoul Olympics, he was suddenly referred to as “Jamaican-born” or as a “former Jamaican”. Apparently, he was no longer Canadian. This switch has something to do with a misplaced nationalism, but it is also based on stereotypes. Describing Johnson as Jamaican-born is a more discreet way of describing him as a black man. When Johnson is described as a Canadian, it would be easy to picture him as white, because of the familiarity of his name. Attitudes such as this contribute to negative stereotyping of ethnic minorities.

Statistics on Newspaper Readers

NADbank, the principal research arm of the Canadian daily newspaper industry, undertakes an annual readership survey. The annual 2007 survey provided the following statistics¹⁸:

- Canadians spend an average of 46 minutes weekdays reading daily newspapers and 84 minutes on weekends.
- 13.9 million Canadian adults, which is $\frac{1}{3}$ of Canadians aged 18 and over, read a printed edition of a daily newspaper each week.
- 78% of Canadians aged 18 to 24, 35 to 49, and 65+ read a newspaper, either printed or online, in the past week compared to 75% of Canadians aged 25 to 34 and 81% aged 50 to 64.
- Canadians aged 65 years or older were the most likely to have read a daily newspaper the day before.

¹⁸ The NADBank Study, Readership Highlights, from the NADbank website (<http://www.nadbank.com/English/index.html>) [hereinafter NADbank Study]

- Of those surveyed, 84% with a university (or higher) education read a newspaper, either printed or online, in the past week compared to 68% with a high school (or less) education who did the same.

The 2007 survey also found that:

- Daily newspapers have built new readership through their online products.
- Since 2006 readership of online editions of daily newspapers has grown by 11%.
- 17% of adults read a daily newspaper on the Internet.
- 78% of Canadians are reached each week through both printed and online editions of daily newspapers.

Over the past five years weekly readership has remained stable indicating that daily newspapers continue to be a relevant source for news and information for Canadians¹⁹. This is in part due to the increasingly important role of online newspapers and media in maintaining readership levels.

A 2006 biennial news consumption survey of Americans by the Pew Research Center for the People & the Press found that the audience for online news is fairly broad, but not particularly deep²⁰. The Pew Centre's 2006 study reports the following:

- Ten years ago, when the internet was still new, just one-in-fifty Americans got the news with some regularity from the internet.
- Today, nearly one-in-three Americans regularly get news online.
- Almost as many people aged 50 to 64 regularly get news on the internet as do those in their late teens and early 20s.
- The growth of the online news audience has slowed considerably since 2000.
- Nearly all of the growth among the regular online news audience since 2000 has occurred among those aged 25 to 64.

¹⁹ NADbank Study.

²⁰ Pew Research Center for the People & The Press, 2006 *Pew Research Center for the People & The Press News Consumption and Believability Study*, From the Pew Research Center website (<http://people-press.org/reports/pdf/282.pdf>)

- Almost the same percentage of Americans aged 18 to 24 say they get news online at least three days a week, the same as they did six years ago.
- Generally, online news has evolved as a supplemental source that is used along with traditional news media outlets; it is most valued for headlines and convenience rather than detailed in-depth reporting.

As more of the media audience goes online, it will be imperative for newspapers to attract loyal site visitors²¹.

In 1995, the Canadian Newspaper Association commissioned a report that would examine how well the needs, interests and concerns of the many different visible minorities in Canada were being served by daily newspapers. Specifically, the research was designed to assess whether daily newspapers have a readership problem among visible minorities. Focus groups were conducted with Chinese, South Asian, Black, Muslim, mixed visible minorities and white Canadians.

The attitude of white respondents, generally, was that the treatment of visible minorities by daily newspapers is reasonably good and not much is wrong. However, the visible minority groups surveyed responded this way:²²

- Over one-half said that visible minorities are treated like foreigners by daily newspapers.
- Almost one-half said that daily newspapers do not portray visible minority groups fairly.
- The large majority said that they were upset at newspapers for the linking of race and religion into crime reporting.
- The majority said that newspapers are guilty of practicing discrimination with their crime reporting and lack of balanced coverage of their communities.

²¹ Newspaper Association of America, *Media Usage: A Generational Perspective*, (2005). From the Newspaper Association of America website (www.growingaudience.com/downloads/GA_gen_studyV2.pdf)

²² Goldfarb Consultants (for the Canadian Newspaper Association), *Tapping Into a Growing Readership: Visible Minorities Research Project*, August 1995.

- Many complained that the newspapers ignore their communities, especially their cultural events and they turn to their ethnic papers for information and a more positive tone of commentary on their communities.
- A large majority complained about the lack of coverage of world news, especially from their native nations and regions.

The study reported that sports, business news and columnists are the three sections of the newspaper read least by visible minorities.

A major study of the relationship between Canadian newspapers and minorities was published by the Ryerson Polytechnic University's School of Journalism in 1994. The study begins like this:²³

When you read the largest newspapers in five of Canada's most cosmopolitan cities, it's easy to form the following impression of visible minorities: half are either athletes or entertainers; if they're in the news otherwise, they're probably in trouble of some sort; and few make any contribution to business or have noteworthy lifestyles.

The study made the following findings:

- By and large, pictures of non-whites appear in these papers in numbers marginally lower than the non-white share of the local population.
- 48% of all minority pictures appear in sports and entertainment sections.
- Non-whites are largely shut out of business and lifestyle sections—only 6% of the minority pictures used in the six papers appear in lifestyle sections, and only 3% of them appear in business sections.
- When minorities appear as subjects in local news stories, they tend to be portrayed more negatively (49%) than positively (42%).

The American Society of Newspaper Editors News Room Census annually looks at how many minorities work in news rooms. Its findings from 2008 include²⁴:

²³ John Miller and Kimberly Prince, *The Imperfect Mirror: Analysis of Minority Pictures and News in Six Canadian Newspapers*, School of Journalism, Ryerson Polytechnic University, 1994 (hereinafter Miller and Prince).

- The number of full-time journalists working at America's daily newspapers decreased by 4.4% since 2007, the largest decrease in the past 30 years.
- In 2008 there were 52,600 full-time journalists working in daily newsrooms of which 13.52% were minority journalists.
- Minorities account for 11.4% of all newsroom supervisors. This is the same percentage as in 2006.
- The percentage of women working in daily newsrooms is 37.36% (a slight decrease from 2007), with minority women accounting for 17.16% of female newsroom staffers.

As Dave Zeeck, ASNE president notes, "diversity isn't just about numbers, it's about making our news reports better. Diverse staffs lead to better journalism."

A study called "Sex Role Stereotyping in the Sunday Comics: A Twenty Year Update" compared comics from 1974 and 1994. The findings were:²⁵

- In 1994, male comic strip characters continued to appear more often than females.
- In 1994, female comic strip characters remained more often in the home than did males, and continued to be over represented in home and child care activities, were less likely to be engaged in leisure activities, and were more likely to be pictured passively as background non-participants. Women were also less likely than men to be portrayed in career activities.
- Generally, comic strips have become less stereotypical of females and males between 1974 and 1994.
- Comic strip characters in 1984 were the least stereotypically portrayed.

A more recent study in 2004 examined gender and minority roles in comics from four daily newspapers over a month-long period²⁶. This study found that the preexisting

²⁴ Press Release, "Newsrooms shrink; minority percentage increases slightly", April 13, 2008. From the ASNE (American Society of Newspaper Editors) website (<http://www.asne.org/files/08Census.pdf>)

²⁵ Sarah Brabant and Linda A. Mooney, *Sex Role Stereotyping in the Sunday Comics: A Twenty Year Update*, *Sex Roles*, Vol. 37, Nos. 3/4, 1997.

²⁶ Jack Glascock and Catherine Preston-Schreck, *Gender and Racial Stereotypes in Daily Newspaper Comics: A Time-Honored Tradition?*, *Sex Roles*, Vol.51, Nos.7/8, 2004

stereotypes found in previous studies remained the standard. Some of the new findings were:

- Male characters appeared more frequently than female characters, but female characters gained most as major characters.
- Female characters were more than twice as likely to appear in the home as male characters and were less likely to be identified with a job.
- When female characters were identified with a job, it was less likely to be a professional position and more likely to be a support-type position.
- Most acts of physical aggression were carried out by male characters against other male characters, but female characters were more likely to be verbally aggressive.
- 96% of all characters in the daily comics were white, while the real-life representation of minorities in the American population in 2004 was 25%.
- Minority characters were more likely to be younger than White characters.
- Minority men characters were less likely to be identified with an occupation than White men characters, and more likely to be classified as blue collar workers.
- 69% of adult Black characters had no identifiable job.
- The representation of minorities is less prevalent since 1997.

Statistics show that the print media are improving with regard to minority representation, both with newspaper content and with the number of minority employees.²⁷ However, they also show that in some respects there is still much work to be done in this area.

Here are two quotes that reflect the need for improvement. Augie Fleras writes the following in 1995:²⁸

Generally speaking, aboriginal and racial minorities exemplify a 'social problem' as far as the media are concerned. They are described

²⁷ Miller and Prince.

²⁸ Augie Fleras, *Please Don't Adjust Your Set*, Communications on Canadian Society, 4th Edition, Nelson Canada, 1995.

in the context of having problems in need of solutions that expend an inordinate amount of political attention or a disproportionate slice of national resources. In addition, the media are likely to define minorities as villains who ‘create problems’ by making demands unacceptable to the social, political, or moral order.

Leslie Joynt’s article “Too White”, also from 1995, begins like this:²⁹

As Cecil Foster talks about his career, the pain in his voice is haunting. During his dozen years in journalism, he has worked at The Globe and Mail, The Financial Post, The Toronto Star, and CBC TV and Radio, written dozens of magazine pieces and two nonfiction books due out later this year, and taught at Ryerson and Humber College. Yet he says, ‘I have been working in mainstream media in Canada for about 12 years and I am still an outsider. I can count on two fingers or less the number of people I can count as friends that I have made in the media.’ He’s never joined the Canadian Association of Journalists; no one ever asked him. And on the few occasions he went to the Toronto Press Club, he felt excluded. ‘You get a sense of being invisible, of your presence being tolerated, but not expected.’

To confirm the lack of minority presence in the daily newspapers, all you have to do is look at the pictures of the columnists. The opinions you read in the newspapers do not often come from minority writers.

Structure of the Newspaper

There are thousands³⁰ of newspapers throughout the world, and obviously they are all different. However, most newspapers employ the same basic structure. They are designed to allow readers to absorb a large amount of information in a short period of time. The

²⁹ Leslie Joynt, *Too White: Canada Has Changed. Our Major Dailies Haven’t. Why Aren’t They Doing More to Make Sure They’re Read All Over?* Ryerson Review of Journalism, Spring 1995.

³⁰ The following sources were consulted for this section on Structure and Content: Canadian Daily Newspaper Association, *News is Not Just Black and White* (www.media-awareness.ca/) and *We can Learn From Newspapers*, (www.gooddocuments.com/techniques/invertedpyramid.htm).

people who produce newspapers understand that readers do not want to spend a lot of time with the paper trying to figure out what is going on in the world. People are busy with their own concerns such as their careers, families or obligations as students. It is the job of the newspaper to sift through all the new stories and information that is out there and print what people want to know about. This means that newspapers are not usually going to produce the most in-depth analysis of a particular event. Newspapers aim instead to provide a running commentary on events and keep people up to date. There are exceptions, of course. Newspapers will sometimes have special features on particular topics that will be more comprehensive. It also depends on which newspaper you are reading. If you prefer a tabloid format, you are unlikely to encounter many particularly probing analyses of the events of the day. However, more scholarly papers will provide such treatments more often.

Other functions of the newspaper include entertaining readers with comics, cross-words and humour pieces, and providing an outlet for advertising with the classifieds and with the space they sell for display advertisements. Some feel that newspapers even contribute to a recorded history that people can use to document how past events transpired and affected a community or society.

The Front Page

The front page is always the first part of a newspaper a reader will see, and because of this it is the paper's most important page. The front page is the paper's most crucial promotional tool. People trying to decide which newspaper to purchase at a newsstand will usually simply glance at the front page before making their decision. The front page contains the masthead, which displays the paper's name, the most important news headlines and stories, and information about what is contained in the newspaper's other pages. Any advertisements on the front page will garner a lot of money, because this is the page that everybody who looks at the newspaper will almost certainly examine, or at least glance at.

Most newspapers are designed so that they are folded in half before they are delivered to news stands, newspaper boxes, or readers' homes. Tabloid-style newspapers are an exception to this. Conventional newspapers, therefore, recognize that it is more likely that

people will see the top part of the first page than the bottom half. This is why newspapers try to get the most important information printed “above the fold” on the first page. Often, many stories begin on the front page but are finished on other pages of the paper. There are a couple of reasons for this approach. First, editors will try to include as many different stories on the front page as possible in order to pique the interest of as many potential readers as possible. Different people will be curious about different news items, so when there are more items visible on the front page, more people might be persuaded to purchase the paper. Second, newspaper publishers recognize that the front page, especially above the fold, can usually be viewed for free. For example, people can see through the glass in a newspaper box and read the top stories without buying the paper. Stories are not concluded on the front page in order to persuade people to buy the paper so they can finish reading a story they saw on the front page. If newspapers managed to put everything that people want to see on the front page, they would not sell.

Headlines

Newspaper headlines are designed to inform readers about what a story’s content is. Headlines are important because people generally will not read the entire newspaper. Instead, readers use the headlines to determine what stories will interest them. There are different headline styles, such as informational, teasing, and cute. Headlines sometimes contain puns, and they are not often written as complete sentences. Instead, words or phrases deemed unnecessary are omitted in order to save space and make the headlines more concise. The lack of grammatical correctness can make understanding headlines difficult at times. It can also result in headlines that are somewhat inaccurate. Editors are probably not overly concerned with this, because sometimes an unclear headline can lead a curious reader to read the article accompanying the headline in order to determine what the headline means. Sometimes there is more than one headline for a particular story. A shorter headline depicted with large type can be supplemented by a more detailed headline in smaller type. This technique allows for more precise headlines.

The Lead

The lead is the first sentence or two of a newspaper article. Its goal is to sum up the story. Leads are generally fairly short, but they should contain basic information about what is

covered in the story and should give an indication about what a reader can expect to find later on in the article. There are different kinds of leads for different kinds of stories. For example, a lead for a story containing breaking news will be informational, whereas a more in-depth and stylish feature story will often try to pique the reader's interest by using a more artistic approach. The lead is like a second headline. If a reader is interested by a particular headline, she will then begin reading the lead. If the lead is also intriguing, she will likely continue to read the article. If not, she will move on to something else.

Inverted Pyramid Style

Newspaper stories, especially breaking news stories, are usually written using the inverted pyramid style. This approach starts with the basic facts and the conclusion, and follows with more and more detail and background. This kind of writing is the exact opposite of much creative writing that involves building towards a conclusion. There are a variety of reasons that this approach has been adopted by newspapers. Readers who do not have much time for or interest in the story can get a decent understanding of the result and impact of the story without reading the entire article. Meanwhile, readers who have more time and want to delve deeper into the story can continue to read and can gain a more thorough understanding of it. Another benefit of the inverted pyramid is for editors, who when trying to decide how much space they have for a story, can simply cut from the end without having to do any complicated or tedious editing.

Hard and Soft News

Hard news refers to stories about a major event that has just occurred or is in the process of occurring. Time is a factor for hard news. A reporter writing a hard news story will try to provide answers to all the questions that can be asked about an event: who?, what?, where?, when?, why? and how? Editors will attempt to get these stories into the paper as soon as possible, so that readers can be kept as up to date as possible.

Soft news is news that is not necessarily related to a current major event. It is not as sensitive to time as hard news. Instead, it allows for more thorough research and a deeper understanding of the material. Also, soft news often possesses more of a human-interest element to it. In other words, while the information provided by the article may be

interesting to readers, it is not necessarily what readers may feel they really *need* to know at that particular time. Human interest stories are often entertaining or thought-provoking, but might not have as direct and immediate an impact on the reader as hard news.

Sections

As with the inverted pyramid style and the use of headlines, the different sections of a newspaper help readers to get the information they need as quickly as possible. A reader looking for a particular story does not have to comb through the entire paper to find it. Instead, you can look in the appropriate section. The front page will often contain an index outlining the different sections of the newspaper, and what order they are packaged in, to make things easier for the reader. Newspapers will also have certain information in the same place in the same section of the paper every day. This means that people who want to view the television listings, the weather forecast or the comics can know where to look without wasting time.

Editorials and Comment

Editorials, opinion columns and letters to the editor are often printed in the same section or on the same page. It is here that journalists, cartoonists, the editors and publishers of the newspaper, and the general public can air their feelings about policies or ideas. Unlike most regular news stories, these pieces do not attempt to portray themselves as completely objective. They are about opinions. Sometimes the opinions expressed in such columns are related more to the writer's feelings on a topic than on any facts obtained. Of course, the most persuasive opinion pieces are those that support the expressed opinion with carefully researched and reliable information.

It is often in the editorial section that the political bias of a newspaper is revealed. An editorial board may adopt an approach designed to provide a forum for the entire spectrum of ideas and opinions. In this circumstance, different columnists and writers with varying political and societal opinions would be commissioned to write on the editorial page. A different tactic would be to use the editorial page as an instrument to attempt to change society in some particular ways. Such editorial pages contain columns and letters that usually express the same opinions on issues. Although newspapers do print letters sent to them by the general public, it must be remembered that the newspaper

itself always has the last word on what is printed and what is not. Most newspapers adopt an approach in between the two extremes outlined above. They will take a particular stand on an issue in their editorials, but will allow columnists and letters to the editor to express similar and contrasting views.

Advertising

Advertising is the lifeblood of a newspaper. A newspaper's goal might be to inform, educate and generate discussion, but advertising generates about 80% of a newspaper's revenue. Generally, newspaper content is about 60% advertising and 40% news and other features. Advertisements are put down on the page first, and then the space that remains is delegated for news.

There are three main kinds of advertising in the newspaper:

- Display advertising appears throughout the newspaper, and will contain information about products and services. These days, display advertisements utilize lots of artwork, colour and photographs to make them more eye-catching and appealing.
- Classified advertising has its own section in the newspaper. Classified ads are placed by people who want to buy, sell, hire or be hired. They are generally made up of words only, no artwork, and are usually placed by individuals or smaller companies, as opposed to display advertising that is produced by larger operations with more money to devote to advertising. Their name comes from the fact that they are grouped according to the type of item or service they are about. People are usually charged a certain amount for each word or line of a classified ad, so most of them are short and concise.
- Special advertising sections and features are entire sections devoted to advertising a particular product or service. There is often an entire newspaper department devoted to producing these sections. They sometimes utilize written pieces to complement more conventional display advertising. Because of this, a less-discerning reader might not recognize that sections like these are actually entirely devoted to advertising. However, "stories" in special advertising features are always identified as advertising.

ACTIVITIES—JUNIOR HIGH



Materials: (for handouts and overheads, see appendix)

- Newspapers
- Handout 6: Analyzing a Newspaper Article
- Handout 7: Sample Human Rights Article
- Handout 8: Examining Photographs
- Handout 9: Editorials and Opinion Columns
- Handout 10: Sample Letter to the Editor
- Handout 11: Sample Editorial
- Handout 12: Sample Opinion Column
- Handout 13: You Be the Editor

1. Locating Human Rights Issues

Using several sections of the newspaper, have the students identify human rights articles or issues and mount the stories on posters to illustrate the various issues. See Handout #7 for a sample human rights article.

2. Analyzing a Newspaper Article: Critical Reading

Locate two different newspapers' stories on the same event. Break the students into two groups—each group is responsible for analyzing one story or the other and will answer the questions on Handout #6. Have the students from the two groups compare answers to the questions to evaluate how the same story can be portrayed differently.

3. Writing a Letter to the Editor

Students will take the story they used for Activity 2 and the answers they gave to the questions posed, and will compose a letter to the editor expressing their feelings about the story. Their response, of course, can be negative, positive or neutral. See Handout #10 for a sample letter to the editor.

4. Examining Photographs (Visual Literacy)

Students will take a newspaper and look at the photographs in it, and will answer the questions on Handout #8.

5. Comics and Political Cartoons

Explain the difference between comic strips and political cartoons (e.g., different purposes and techniques). The website <http://www.cagle.com/teacher/> contains information about political cartoons (Canadian and American) and teaching ideas for all levels. The website

<http://www.emints.org/ethemes/resources/S00001222.shtml> contains information on teaching about comic strips (K to 12). Students will look at newspapers and will find a comic strip or a political cartoon that has a human rights aspect to it, and will explain what the connection to human rights is. Students will then produce their own comic strip or political cartoon that conveys a human rights message that they feel is important.

6. Editorials and Opinion Columns

a. Students will follow the instructions on Handout #9, which involve searching the newspaper for editorials and opinion columns that they agree with. They will say why they think the opinions expressed in the article are right. They will identify what are facts and what are opinions in the article. Students should be aware that opinions should be supported by facts; otherwise they are not persuasive. See Handout #12 for a sample opinion column, and Handout #11 for a sample editorial.

b. Students will look for an opinion piece that they disagree with, and will comment on why they disagree with it. Students will look for words or phrases that they feel are evidence of “bias” on the part of the writer.

c. Students will write an opinion column of their own on an issue of their choice.

d. Each student will exchange the opinion columns they wrote with another student, and will identify any bias in the writing of the other student, and if the columns touch upon any human rights issues.

7. Writing a News Story

Students will write a real or fictitious news story relating to a human rights issue. They write their own headline, and will use the inverted pyramid style, starting off with an appropriate lead to introduce the story.

8. You Be The Editor

Students will decide whether or not they would publish certain stories, comics or advertisements in the newspaper if they were the editor. See Handout #13.

9. Stereotyping

Students will search the paper for examples of stereotyping. All areas of the paper, including advertising, classifieds and the comics should be examined. Students will identify any stereotyping or possible stereotyping they detect, and will describe why they think it is stereotyping, and how they would have produced the story or advertising or whatever the newspaper content is in a way that would have eliminated the stereotypes.





ACTIVITIES—SENIOR HIGH

Materials: (for handouts and overheads, see appendix)

- Newspapers
- Handout 6: Analyzing a Newspaper Article
- Handout 7: Sample Human Rights Article
- Handout 8: Examining Photographs
- Handout 9: Editorials and Opinion Columns
- Handout 10: Sample Letter to the Editor
- Handout 11: Sample Editorial
- Handout 12: Sample Opinion Column
- Handout 13: You Be the Editor

1. Locating Human Rights Issues

Using several sections of the newspaper, have the students identify human rights articles or issues and mount the stories on posters to illustrate the various issues. See Handout #7 for a sample human rights article.

2. Analyzing a Newspaper Article: Critical Reading

Locate two different newspapers' stories on the same event. Break the students into two groups—each group is responsible for analyzing one story or the other and will answer the questions on Handout #6. Have the students from the two groups compare answers to the questions to evaluate how the same story can be portrayed differently.

3. Stereotyping

Students will search the paper for examples of stereotyping. All areas of the paper, including advertising, classifieds and the comics, should be examined. Students will identify any stereotyping or possible stereotyping they detect, and will describe why they think it is stereotyping, and how they would have produced the story or advertising or whatever the newspaper content is, in a way that would have eliminated the stereotypes. Students will also identify what kind of stereotyping is occurring, such as “generalizations”, “misconceptions”,

“oversimplification” and “putting people into moulds”. Students will then discuss why the stereotypes they have uncovered are harmful, and for whom they are harmful.

4. Examining Photographs

Students will take a newspaper and look at the photographs in it, and will answer the questions on Handout #8. An additional question that could be a discussion question or an essay question is: Is a picture really worth a thousand words? Students can discuss this question using the pictures in the newspaper as a reference point. There are thousands of words in each newspaper, and many photographs. How important are the photographs compared to the printed text?

5. Comics and Political Cartoons

Explain the difference between comic strips and political cartoons (e.g., different purposes and techniques). The website <http://www.cagle.com/teacher/> contains information about political cartoons (Canadian and American) and teaching ideas for all levels. The website

<http://www.emints.org/ethemes/resources/S00001222.shtml> contains information on teaching about comic strips (K to 12). Students will look at newspapers and will find a comic strip or a political cartoon that has a human rights aspect to it, and will explain what the connection to human rights is. Students will then produce their own comic strip or political cartoon that conveys a human rights message that they feel is important.

6. You Be The Editor

Students will decide whether or not they would publish certain stories, comics or advertisements in the newspaper if they were the editor. See Handout #13.

7. Writing a News Story

Students will write a real or fictitious news story relating to a human rights issue. They write their own headline, and will use the inverted pyramid style, starting off with an appropriate lead to introduce the story.

8. Editorials and Opinion Columns

a. Students will follow the instructions on Handout #9, which involve searching the newspaper for editorials and opinion columns that they agree with. They will

say why they think the opinions expressed in the article are right. They will identify what are facts and what are opinions in the article. Students should be aware that opinions should be supported by facts; otherwise they are not persuasive. See Handout #12 for a sample opinion column, and Handout #13 for a sample editorial.

b. Students will look for an opinion piece that they disagree with, and will comment on why they disagree with it. Students will look for words or phrases that they feel are evidence of “bias” on the part of the writer.

c. Students will write an opinion column of their own on an issue of their choice.

d. Each student will exchange the opinion columns they wrote with another student, and will identify any bias in the writing of the other student, and if the columns touch upon any human rights issues.

9. Creating an Op/Ed Page

Students will design and produce an opinions and editorial page, complete with editorials, letters to the editor, opinion columns, political cartoons, information on who the publishers and editors are, and perhaps even a motto of some kind that indicates a principle that the newspaper strives to uphold. This should be done on a piece of construction paper or something similar that resembles the size of a newspaper page. The letters, editorials, columns and cartoons should contain comments and opinions on a variety of issues of the day. Students can include the opinion column they wrote for activity number #7. Handout #10 contains a sample letter to the editor.

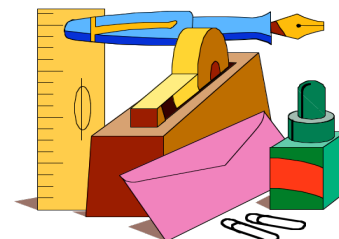
10. Comparing Newspapers

Compare two popular newspapers. Can you identify which is the better paper? Why is it better? Can you identify what race(s), religion(s), age(s) or gender(s) the newspaper is trying to market to?

11. Comparing Newspapers With TV News

Students will watch the news on TV and then compare it to what is in the newspaper. They will answer questions relating to what differences there are, what reasons there are for these differences, which news format is better and why.

CHAPTER 3—INTERNATIONAL HUMAN RIGHTS ISSUES



The overall purpose of this chapter is to explore the current state of international human rights using the newspaper.

Objectives:

1. Students will learn about the organization and impact of the United Nations.
2. Students will become familiar with some international human rights issues that are often discussed in the newspaper.
3. Students will become familiar with the primary international human rights instruments, including the remedies that these instruments provide.

Background Information

Some information on international human rights and the United Nations (UN) is contained in Chapter 1. What follows is some additional information about the UN.



Several groups, or bodies, have been established within the United Nations to monitor and enforce human rights. These bodies are either *Charter-based* or *Treaty-based*.³¹

³¹ United Nations Office of the High Commissioner for Human Rights, *Working with OHCHR: A Handbook for NGOs*, 2006 at p.3 (online only). [Hereinafter OHCHR Guide]. From: OHCHR website (<http://www.ohchr.org/EN/PublicationsResources/Pages/HumanRightsBasics.aspx>)

Charter-Based Bodies of the United Nations

Charter-based bodies are created under the Charter of the United Nations. The main ones are³²:

- The General Assembly
- The Security Council
- The Human Rights Council
- The Economic and Social Council (ECOSOC)
- The Commission on the Status of Women
- The Commission on Crime Prevention and Criminal Justice.

Charter-based bodies are political bodies made up of State representatives. They are a forum for States to discuss and make decisions on human rights or other issues. The work of Charter-based bodies does not depend on whether or not a State has accepted a treaty.

As of the end of 2007, the UN had 192 member nations. Each of the member states has a representative in the **UN General Assembly**. Each representative has one vote on issues that come before the Assembly. It generally meets from the end of September until mid-December, although emergency sessions are sometimes called. The Assembly's roles include bringing about the realization of human rights and fundamental freedoms for everyone.

A smaller UN body is the **Security Council**. Its main concern is maintaining international peace and security. There are 15 members of the Security Council, including 5 permanent members: China, France, the Russian Federation, the USA and the UK. Each of these big 5 has a veto power, which can severely affect the responsiveness of the UN. The other 10 members are not permanent; other UN members rotate through the 10 positions. These members do not have a veto power. The Security Council has the real power in the UN, as the General Assembly is supposed to carry out its decisions.

³² OHCHR Guide, at p.3.

The **UN Human Rights Council (Formerly the Commission on Human Rights)** is the main United Nations intergovernmental body responsible for human rights.³³ Its role is to address violations of human rights, including gross and systematic violations. It also serves as a forum for dialogue on human rights issues, makes recommendations to the General Assembly for the continuous development of international law in the field of human rights, and undertakes periodic reviews of each State to see if the State has fulfilled its human rights obligations and commitments. The Council consists of 47 Member Nations and meets for at least three sessions every year.

The Human Rights Council replaced the Commission on Human Rights in March 2006. The Commission was the intergovernmental entity that had guided the United Nations human rights programme for over 60 years. While the Commission was a subsidiary organ of the Economic and Social Council (ECOSOC), the Human Rights Council status was raised to that of subsidiary organ of the General Assembly. This emphasizes the importance that human rights have in the work of the United Nations. The Council took over all mandates, mechanisms, functions and responsibilities of the Commission and aims to make improvements to them.

One of the more important mechanisms used by the Human Rights Council is that of examining, monitoring, advising, and publicly reporting on a human rights situation either in a specific country or on a major phenomena of human rights violation found worldwide. The Council can receive information on specific allegations of human rights violations and send urgent appeals or letters of allegation to governments asking for clarification. Where required, the Council can also request a government to implement protection measures to guarantee or restore the enjoyment of human rights. Additionally, the Council may also carry out country visits to investigate the situation of human rights at the national level, publish reports, prepare thematic studies, or issue press releases.

³³ OHCHR Guide, at p.36.

Treaty-Based Bodies of the United Nations

Treaty-based bodies are created under international human rights treaties rather than under the United Nations Charter.³⁴ Treaties create legal obligations on States to promote and protect, in their country, the human rights set out in the treaty. United Nations treaty-based bodies are committees of independent experts that monitor the implementation of the relevant treaty. They do this by reviewing reports submitted periodically by the countries. The report tells what measures the country has taken to implement the treaty's provisions. Presently there are seven such human rights bodies. Five of the treaty bodies, including the UN Human Rights Committee, are also entitled to consider individual complaints.³⁵

The **UN Human Rights Committee (HRC)** was established under the *International Covenant on Civil and Political Rights (ICCPR)*, and this is the particular treaty that this Committee monitors. The HRC consists of 18 independent experts and meets three times every year. The Committee can also receive individual complaints from citizens of countries that have signed the proper Covenants under the first Optional Protocol to the ICCPR. They can do so when they believe that their civil and political rights have been violated by the State, but only after they have shown that all legal possibilities have been unsuccessfully tried in their own country. An example of a Canadian citizen who has done this is Sandra Lovelace.

The Lovelace Case

In 1979, an Aboriginal woman, Sandra Lovelace, made a complaint to the Committee. She was a member of the Tobique reserve. Lovelace married a white man, and under the law at that time, an Indian woman who married a non-Indian man lost her status as an Indian. This did not work the other way; an Indian male never lost his status if he married a non-Indian female. This issue became important to Lovelace when she got divorced. She wanted to move back to her reserve and raise her children there, but because she had lost her status, she was unable to get her own house. She could not change this law in Canada because the Supreme Court of Canada had already ruled against an Indian woman in an earlier case that was similar.

³⁴ OHCHR Guide, at p.58.

³⁵ OHCHR Guide, at p.61

In 1981, the Human Rights Committee said that Canada had violated its international obligations by denying Sandra Lovelace her culture. This influenced the development of the *Canadian Charter of Rights and Freedoms*, which was not in force at that time, and led to the *Indian Act* being changed. In fact, even before the Human Rights Committee handed down its decision, the federal Indian Affairs Minister stated that “We don’t intend to wait...This section of the *Indian Act* is discriminatory. All Canadians should be concerned. We are a country that espouses equal rights in the world, and that means that we must remove discrimination at home.”³⁶

Other International Human Rights Bodies

The **International Court of Justice (ICJ)** is a court established by the UN. It is designed to handle any international legal questions. It does not really have any authority, in that no one is required to have a case decided by the ICJ. However, sometimes two countries involved in a dispute will agree to have the matter decided by this court. It is located in The Hague, Netherlands, and is comprised of 15 judges elected by the General Assembly and the Security Council. No two judges may be from the same state, but apart from this rule, their nationalities are not considered. In making its decisions, the ICJ will consider international treaties and agreements, as well as customary law. As its name suggests, customary law is law that has evolved over the years and has become generally accepted, or customary.

The ICJ, and international law in general, can be extremely helpful in solving problems that crop up between nations. However, because countries are not required to submit to the ICJ’s decisions, the court lacks the power that could really bring about substantial change.

The **International Criminal Court (ICC)** is an independent permanent court that tries persons accused of the most serious crimes of international concern. The court deals with

³⁶ Daniel J. Baum, *Law and the World Community* (Toronto: IPI Publishing Ltd., 1989) at 64.

the individuals who commit crimes like genocide, war crimes and crimes against humanity. This court complements national legal systems and helps handle cases that transcend national borders. It is, however, a court of last resort. That means the ICC will not act if a case is investigated or prosecuted by a national judicial system if proceedings in that country are genuine. The ICC is based on an international treaty signed by 106 countries³⁷. The *Rome Statute of the International Criminal Court* entered into force on July 1, 2002 once 60 States had become Parties. As of May 31, 2008, 106 countries were Parties to the *Rome Statute*. Canada signed the treaty on December 18, 1998.

Canada has played a large role in the development of the International Criminal Court.³⁸ Canada chaired a group of like-minded states that worked for two years on developing the basic concept of the ICC. In addition, Canada provided financial assistance that helped some developing countries to take part in the development proceedings. The Committee of the Whole for the Conference, which was the group that prepared the final report about what the ICC would eventually look like, was chaired by Philippe Kirsch, a Canadian.

How to Make a Complaint to the United Nations

The United Nations has established human rights complaints procedures through which individuals may bring a human rights concern to the attention of the United Nations. Thousands of people around the world do so every year.³⁹

There are three ways for individuals to complain to the United Nations if they feel their human rights are being violated. They are: 1) *communications* under the special procedures mechanism of the Human Rights Council, 2) *petitions* under the international human rights treaties, and 3) *1503 procedure* now known as the Human Rights Council Complaint Procedure.

³⁷ International Criminal Court website—<http://www.icc-cpi.int/about.html>.

³⁸ Canada World View, *The International Criminal Court*, Issue 1, 1998, at 2.

³⁹ OHCHR Guide, at p.85

Complaints under #2 provide individual solutions and remedies. Complaints under #1 and 3 focus more on systematic patterns and trends of human rights violations and may be brought against any country in the world.

1. Communications Under Special Procedures

“Special procedures” is the name given to the mechanisms under the Human Rights Council to address either specific country situations (called country mandates) or thematic human rights issues (called thematic mandates) in all parts of the world.⁴⁰ Examples of thematic mandates are: the Working Group on Arbitrary Detention, the Working Group on Enforced or Involuntary Disappearances, and Special Rapporteur on extrajudicial, summary or arbitrary executions. Examples of country mandates are: Independent Expert on the situation of human rights in Burundi, Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea.

Special procedures are actually either an individual (called a "Special Rapporteur", "Special Representative of the Secretary-General", or "Independent Expert") or a working group usually composed of five members.

Special procedures mechanisms allow for complaints (called **communications**) to be made concerning either individual cases or a more general pattern of human rights abuse.⁴¹ Some, but not all, special procedures mechanisms intervene directly with Governments on specific allegations of violations of human rights.⁴² Check each mandate’s website for details.⁴³ The intervention can relate to a human rights violation that has already occurred, is ongoing, or which has a high risk of occurring.

⁴⁰ Human Rights Council website (*Special Procedures of the Human Rights Council*) – <http://www2.ohchr.org/english/bodies/chr/special/index.htm>

⁴¹ OHCHR Guide, at p.87.

⁴² Human Rights Council website (*Communications*) – <http://www2.ohchr.org/english/bodies/chr/special/communications.htm>

⁴³ Country Mandates – website: www2.ohchr.org/english/bodies/chr/special/countries.htm. Thematic mandates – website: <http://www2.ohchr.org/english/bodies/chr/special/themes.htm>

The specific rules for an individual communication under the special procedures vary with the thematic or country mandates. However, in general⁴⁴:

- Cases may be brought *regardless* of the country where they occur and *regardless* of whether the country has signed a treaty;
- There must be a special procedure in place covering the specific human rights issue complained of or that specific country complained about;
- The communication must not necessarily be made by the victim, although the source must be reliable;
- Communications that contain abusive language or that are obviously politically motivated are not considered⁴⁵;
- Communications should not be based solely on media reports⁴⁶;
- It is not necessary to have exhausted all domestic remedies before using the special procedure;
- It is at each country's discretion whether to comply with the recommendations of the special procedures final decision.

The following minimum information must be provided in the communication in order for it to be assessed⁴⁷:

- Identification of the alleged victim(s);
- Identification of the alleged perpetrators of the violation;
- Identification of the person or organization submitting the communication (this information is kept confidential);
- Date and place of incident;

⁴⁴ OHCHR Guide, at p.87.

⁴⁵ Human Rights Council website (*Communications*) – <http://www2.ohchr.org/english/bodies/chr/special/communications.htm>

⁴⁶ Human Rights Council website (*Communications*) – <http://www2.ohchr.org/english/bodies/chr/special/communications.htm>

⁴⁷ Human Rights Council website (*Communications*) – <http://www2.ohchr.org/english/bodies/chr/special/communications.htm>

- A detailed description of the circumstances of the incident in which the alleged violation occurred;
- Questionnaires relating to several mandates are available to help report a violation, but are not necessary; communications will be considered even if they are not submitted in the form of a questionnaire.

Once the complaint is received the process, in general, involves sending a letter to the concerned Government requesting information, seeking clarification and comments on the allegation, and reminding the Government of its obligations under international law. Where necessary, preventive or investigatory action is requested to be taken.

Communications may be addressed to:

Special Procedures Branch
clo Office of the United Nations Commissioner for Human Rights
8-14, Avenue de la Paix
1211 Geneva 10, Switzerland

2. Individual Complaints Under International Human Rights Treaties

Five international human rights treaties allow for individual complaints. One of these is *The International Covenant on Civil and Political Rights* (ICCPR) under its First Optional Protocol. Under the Optional Protocol the UN Human Rights Committee looks at individual complaints and determines whether there has been a violation of a treaty right. This procedure results in a response to each individual complaint. The most common remedy is compensation, but other remedies include release from imprisonment, investigation, or re-trial. The States have a moral obligation to implement the Committee's decisions, but they are not legally bound to.

The rules for making a complaint (called a **petition**) under the ICCPR are⁴⁸:

- The petition need not take a particular form, but it must be in writing and signed;

⁴⁸ Human Rights Council website (*Human Rights Treaty Bodies – Individual Communications: 23 FAQ about Treaty Body complaints procedures*) – <http://www2.ohchr.org/english/bodies/petitions/individual.htm#what>

- The petition cannot be anonymous, but if you are afraid to disclose your name you can request that it not be disclosed when the final decision is published;
- The petition should:
 - provide basic personal information (e.g. name, nationality, date of birth) and specify the State against which the complaint is directed.
 - set out, in chronological order, all the facts on which the complaint is based.
 - state why the facts of the case are a violation of the Treaty.
 - supply all documents relevant to the complaint and arguments, especially administrative or judicial decisions that national authorities have made in the case. It is also helpful to provide copies of relevant national laws.
- The complainant's government must have signed and ratified the Treaty;
- The complainant must claim to be a victim of a violation of the rights specified by the Treaty, or be representing such a victim;
- The Committee may accept a communication on behalf of a person who is unable to make a complaint, but the person must provide written consent;
- The complaint must be against a State, not a private individual or an organization;
- The complaint cannot have been submitted under another international settlement mechanism, for example the European Court of Human Rights;
- The individual must have exhausted all options in her or his own country;

After the petition has been submitted, the Human Rights Committee generally takes the following steps:

- If the Committee determines that the complaint is admissible, it considers the merits of the complaint.
- People who have submitted the complaint may need assistance before the Committee has had time to make an assessment. The Committee may have to give an interim opinion to the country.

- The country is asked to submit (within 6 months) explanations or statements clarifying the matter and any remedy that it has provided.
- Once the country's comments are received, the complainant is given 2 months to comment on them.
- The Committee then formulates its views and forwards them to the State Party and the complainant.
- While the committee is reviewing the complaint, the proceedings are confidential. However, once the Committee reaches a decision the findings are always made public. Decisions are final; there is no appeal against the Committee's decision.

At the end of this process, which can take 2-3 years, the United Nations Committee tells the government of the country from which the complaint originated whether or not it is complying with the Treaty. States have a moral obligation to implement the decisions, but are not legally bound to.

Nevertheless, although the international legal system does not have the strong coercive powers of a functioning domestic legal system, there is significant pressure from the international community to enforce human rights obligations.

Complaints under a Treaty should be sent to:

***Petitions Team
c/o Office of the United Nations Commissioner for Human Rights
8-14, Avenue de la Paix
1211 Geneva 10, Switzerland***

3. Council Complaint Procedure (formerly 1503 Procedure)

This is the oldest human rights complaint mechanism in the United Nations system.⁴⁹ The 1503 procedure (now called the Council Complaint Procedure) is the only universal complaint procedure covering all human rights in all countries. *Any violation of human rights falling under the Universal Declaration of Human Rights can be complained of.* A

⁴⁹ OHCHR Guide, at p.88.

State does not need to have signed a treaty for a complaint to be submitted against it, and neither does there have to be a special procedures mandate in existence.

This method does not result in any specific action being taken with regard to a particular complaint. Instead, the accumulated communications end up providing the United Nations with a compilation of consistent patterns of gross and reliably attested violations of human rights and fundamental freedoms in any country of the world under any circumstances. The entire procedure is confidential.

Not every complaint is admissible. The rules are⁵⁰:

- The communication must be consistent with the aims of the United Nations Charter, the Universal Declaration of Human Rights, and other legal instruments in the field of human rights;
- There must be a consistent pattern of gross and reliably attested to human rights violations (it cannot happen only once);
- Complaints from individuals or groups who claim to be victims of human rights violations may be admitted. They may also be admitted when they come from any person or group of people which had direct, reliable knowledge of violations. Non-governmental organizations may make complaints if they have direct, reliable evidence of the situation they are describing;
- The complaint cannot be exclusively based on reports disseminated by mass media;
- Each complaint must describe the facts, the purpose of the complaint, and the rights which have been violated. The language in the complaint must not be abusive or contain insulting remarks;
- The complaint cannot refer to a case already being dealt with by a special procedure, a treaty body or other United Nations or similar regional complaints procedure in the field of human rights;

⁵⁰ Human Rights Council website (*HR Council Complaint Procedure*) – <http://www2.ohchr.org/english/bodies/chr/complaints.htm>

- All possible remedies in the country where the alleged violations occurred must be exhausted. This means that individuals (or perhaps groups) must have tried to resolve their problems using domestic courts and government.

The complaint first goes to a working group which screens out ill-founded and anonymous communications. The working group must decide whether the communication alone or in combination with other communications appears to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms. The ones meeting this criteria are forwarded to the State concerned to get its views on the allegations. The original complaint and the State's replies are then given to a second working group which prepares a report for the Human Rights Council on the consistent patterns of gross and reliably attested violations of human rights and fundamental freedoms. The working group also makes recommendations to the Council as to what to do.

Communications may be addressed to:

Human Rights Council and Treaties Branch (1503 Procedure)
c/o Office of the United Nations Commissioner for Human Rights
8-14, Avenue de la Paix
1211 Geneva 10, Switzerland

International Humanitarian Law

There is a difference between international human rights law and what is called international humanitarian law (IHL). While human rights law applies to all circumstances, IHL applies only to armed conflict, or war. IHL exists because human rights laws are often ineffective and inappropriate during wars, because the whole concept of war violates very basic human rights. IHL tries to make the best of a bad situation. Still, like human rights law, IHL is based on respecting each human being and his or her dignity, without discrimination.

Humanitarian law is about how parties involved in a conflict treat non-combatants such as the wounded, prisoners of war, political prisoners and civilian populations generally. It

also attempts to regulate parties' behaviour toward the environment, goods essential to a population's survival, and cultural sites. For example, one treaty says that starvation of civilians as a method of combat is prohibited, which means that a party to a conflict cannot attack foodstuffs, crops or drinking water sites.⁵¹ The effectiveness and even the logic behind IHL are sometimes questioned, but at times humanitarian rules give warring nations guidelines that can help to make an awful situation a little better. The International Committee of the Red Cross has played a significant role not only in treating the wounded, but in promoting the enforcement of humanitarian laws.

SOME INTERNATIONAL HUMAN RIGHTS ISSUES OFTEN SEEN IN THE NEWSPAPER

Peacekeeping

Another high profile activity of the UN is peacekeeping. Sometimes when there is a conflict, neither side wants the fighting to continue, but they feel they are incapable of maintaining peace by themselves. If all parties to a conflict agree, the UN will deploy peacekeeping soldiers to the affected area. The soldiers' presence will, hopefully, deter any further hostilities, and allow for tempers to subside and aid to be brought to those who need it. Notable UN peacekeeper roles include the armed conflict in the Darfur region of Sudan in 2007 and in East Timor in 2006. While the peacekeepers can often be a tremendous help, their hands are often tied. First, unless the parties involved in the conflict and the UN can agree to their presence, the peacekeepers will not even make it to the problem area. Second, once there, peacekeepers may never be able to quell the violent intent of a particularly determined warmonger. Nevertheless, peacekeepers are very effective in the right circumstances.

Landmines

An issue of severe consequence in many countries around the world is that of anti-personnel landmines. These devices are designed to explode when somebody steps on them. They are usually left behind by retreating armies in order to dissuade rivals from

⁵¹ GC. Protocol II, 1977.

pursuing them. The problem of landmines is exacerbated by the fact that they often remain armed and ready to detonate for decades after a conflict has ended. Although momentum to ban landmines has been building since the 1980s, a treaty banning their use has not been signed by many countries, including the powerful USA. A complete ban on landmines appears to be a long way off.⁵²

Immigration and Emigration

Immigration and emigration is the movement of people from one country to another in order to settle and live in the new country. Immigration refers to moving into the new country, and emigration refers to leaving the original country. Emigration occurs for the same basic reason that people generally do not live in the same exact place their whole life: better opportunities can often be found elsewhere. Sometimes, this means that relatively healthy and safe people are looking for a higher standard of living, and other times less well-off people are trying to leave a country that is wrought with difficulty. Canada is a country where immigration is common, while emigration is less so. This is because Canada is a relatively wealthy nation and has a reputation for being a safe and prosperous place to live. Not many people want to leave. While many people want to come to Canada to live, not everyone gains admittance. Canada's policy is to allow in those who have the most to offer the country. A potential immigrant must make her or his case in front of the immigration board, who will decide if the criteria are met.

Immigration is often a hot political topic, and is therefore continually discussed by the media, including newspapers. Some feel that immigration is a vital source of new ideas and a way to shore up this country's dwindling birthrate. Others feel that immigration should be severely restricted. It is a touchy issue because of its link to concerns about discrimination. Citizens who see problems with Canada may choose to focus their attention on visible minorities, some of whom are immigrants. These minorities are accused of being a drain on the country's resources or of "stealing" the jobs of Caucasians. As a result, immigration is seen as a major source of this country's problems.

⁵² United Nations website.

However misguided these feelings may be, they are evident throughout Canadian society, and throughout the media.

Refugees

The 1951 UN Convention Relating to the Status of Refugees says that a refugee is a person who “owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of his nationality, and is unable, or owing to such fear, is unwilling, to avail himself of the protection of that country...” Refugees are like immigrants, except that they left their original country because of a fear of persecution. As with immigration, refugee candidates are screened by a board established for that purpose. Primary questions asked by the refugee board will be about the amount of danger people were in and how they knew it was dangerous to stay in the other country.

Canada has ratified the United Nations Convention Relating to the Status of Refugees, and as a result has certain obligations with regard to refugees. For example, Canada cannot expel a refugee who is lawfully in its territory, except when a legitimate legal process demonstrates that national security or public order is jeopardized by the presence of the refugee. Also, Canada must give refugees the same treatment as the other people living here with regard to social assistance, public education and the opportunity to work for money.

Also like immigrants, refugees are at times controversial, and are therefore prime media fodder. The system is designed to prevent people from leaving their home country for purely economic reasons and trying to pass themselves off as political refugees whose lives have been threatened because of their beliefs. However, there are those who feel that this scenario happens in any case. Also, some refugee claimants do not go through the proper channels, sometimes because they are at immediate risk, and sometimes for other reasons. This complicates the job of the refugee board trying to decide who can be awarded refugee status and who cannot, and it means that the board is subject to intense media scrutiny.

War Criminals

During the Twentieth Century there has been a growing recognition by the international community that individuals may be prosecuted and found liable for international criminal acts such as crimes against peace, war crimes, crimes against humanity, apartheid and genocide. People around the world became concerned after World War I that even in times of war there must be some rules that soldiers must follow and these rules must be encoded and systematically applied. A conference was held and representatives from several countries attended. A treaty was drawn-up and called the Treaty of Versailles. The treaty allowed allied forces to bring people accused of violating the laws of war before a military tribunal to be punished according to the law.⁵³ The procedure was not widely used and only a small number of Germans were prosecuted before German courts following World War I.⁵⁴

The issue of war criminals did not arise again until World War II. After this war, many thousands of war criminals were tried at hearings conducted under various tribunals. The Nuremberg trials, held in the 1940s in Germany, were the first established military tribunals. The Nuremberg tribunals handed down twelve death sentences, seven prison terms and three acquittals.⁵⁵ The judges included members from the United States, France, Britain and the Soviet Union. The trials lasted for over 10 months and 24 German Nazi leaders were charged with one or more of the following crimes:

- Crimes against peace; waging the planning of wars of aggression contrary to international treaties and agreements;
- crimes against humanity; extermination, enslavement, genocide, racial and religious persecution;

⁵³ For more information on World War I, see Alberta Civil Liberties Research Centre, *Volume III—Background to International Human Rights Law*, 1996.

⁵⁴ W.J. Fenrick, “The Prosecution of War Criminals in Canada” (1989) 12(2) Dal. L.J. 256 at 285.

⁵⁵ M.C. Bassiouni, *Crimes Against Humanity in International Criminal Law* (London: Martinus Nijhoff Publishers, 1992) at 210.

- war crimes: specific crimes in German-occupied areas. These included murder, torture, destruction of cities, towns and villages, and the killing of prisoners of war and hostages; and
- common plan conspiracy.

The war crimes trials had several long term results. Crimes that had been considered moral crimes became legal crimes as well, so that the waging of aggressive warfare was considered a crime. Inhumane acts against civilians were recognized as crimes. Individuals were held responsible for crimes they committed even when their superiors had ordered them to commit crimes. It was determined that individuals could not argue that they were merely following orders. Finally, heads of state were held accountable for international crimes. The few war crimes trials held from 1947 to date have sometimes resulted in the conviction and prosecution of war criminals.

War Crimes Laws in Canada

In 1984, the Law Reform Commission of Canada published a working paper in which it recommended that the government study war crimes with a view to determining the type of war crimes legislation that should be drafted in Canada to replace old legislation.⁵⁶ In February, 1985, a Commission was established to officially determine whether there were alleged Nazi war criminals living in Canada and if so what could be done legally. The commission determined that there were indeed Nazi war criminals living in Canada and that the existing laws were not effective for dealing with this situation. The result was that war crimes laws became part of the *Criminal Code* of Canada in 1987, and are now part of a separate act, called the *Crimes Against Humanity and War Crimes Act*.⁵⁷ This Act defines “war crime” as follows:

- an act or omission committed during an armed conflict that, at that time and in the place of its commission, constitutes a war crime according to customary international law or conventional international law applicable to armed

⁵⁶ (February 7, 1984) P.C. 1985-348.

⁵⁷ S.C. 2000, c. 24, s. 1, in force October 23, 2000 (SI/2000-95).

conflicts, whether or not it constitutes a contravention of the law in force at the time and in the place of its commission.

“Crimes against humanity” are defined as:

- murder, extermination, enslavement, deportation, imprisonment, torture, sexual violence, persecution or any other inhumane act or omission that is committed against any civilian population or any identifiable group and that, at the time and in the place of its commission, constitutes a crime against humanity according to customary international law or conventional international law or by virtue of its being criminal according to the general principles of law recognized by the community of nations, whether or not it constitutes a contravention of the law in force at the time and in the place of its commission.

It was difficult to prosecute war criminals using the *Criminal Code* of Canada (which was in force until late 2000), especially for war crimes that occurred during World War II. One reason is that a long period of time can elapse between when the crime was allegedly committed and when the prosecution happens. This is contrary to section 11(b) of the *Canadian Charter of Rights and Freedoms*, which says that a person must be tried within a reasonable amount of time. Another problem is that sometimes a regime that is allegedly responsible for war crimes is still in place, which means that a person who seeks prosecution of someone here in Canada may fear that relatives in the home country will be endangered as a result.

Canada did not use its *Criminal Code* war crimes provisions often. In most cases, the provisions were used to address war crimes that had occurred in World War II. In 1993, Imre Finta was acquitted of robbery, unlawful confinement, kidnapping and manslaughter in relation to the treatment of Jews in Hungary in 1944. More recently, some Canadians who became citizens many years ago have been stripped of their citizenship and deported because they were found to have made false statements while applying for citizenship. For example, Wasily Bogutin was found to have become a Canadian citizen by “false

representation or fraud or by knowingly concealing material circumstances.”⁵⁸ The Canadian court found that Mr. Bogutin was personally and directly involved in rounding up young people for forced labour in Germany.

Canada was the first country in the world to incorporate the obligations of the Rome Statute into its national laws when it adopted the “*Crimes Against Humanity and War Crimes Act*” on June 4, 2004. The *Crimes Against Humanity and War Crimes Act* contains laws that deal with genocide, crimes against humanity, and war crimes, among others. One thing the Act does is direct proceeds of crime into a Crimes Against Humanity Fund, which can be distributed to victims of offences under the *Crimes Against Humanity and War Crimes Act* or the Rome Statute by the Attorney General of Canada.⁵⁹ In 1999 former Foreign Affairs Minister Lloyd Axworthy said, “I am proud that Canada is the first country to introduce such comprehensive implementation legislation. In doing so, we are building on the momentum that started with the negotiations on the ICC Statute in Rome last year and ensuring that Canada is at the forefront of making the International Criminal Court a vital, functioning entity.”⁶⁰

Human Rights Advocacy and Letter Writing

If you are concerned about a human rights issue, whether it is within Canada or an international concern, one thing you can do is write a letter expressing your point of view. Groups like Amnesty International have used this approach extensively, and have achieved some success using it. Governments will sometimes give in to the pressure placed upon them by the international community, and change their behaviour. A big part of this pressure often comes from letter writing campaigns. Changes governments might make include adjusting policies relating to human rights and releasing prisoners of conscience. Of course, it is more impressive and persuasive when many letters are written about a specific situation than when just one letter is written. However, this requires a lot

⁵⁸ S. Bindman, “Suspected Nazi Collaborator May Lose Citizenship” *The Calgary Herald* (23 February 1998) A7. See also: [1998] F.C.J. No. 211 (T.D.).

⁵⁹ Sections 30 and 31.

⁶⁰ Canada Department of Justice News Release, *Canada Introduces New Act to Implement International Criminal Court*, Ottawa, December 10, 1999.

of organization, and should not dissuade anyone from acting alone and writing an individual letter.

Amnesty International provides the following ten important points about letter writing.⁶¹

1) Be brief.

2) Be simple.

3) Write politely! Governments will not respond to abusive letters, however well-deserved they may be. Also, be sure not to criticize any particular political system, only the *effects* of any political system that takes away people's basic human rights.

4) Be factual and accurate.

5) Write in your own words.

6) Write more than once.

7) Get others to write too. Points 6 and 7 reflect the idea that one letter is easy to ignore, whereas hundreds of letters are a lot more difficult to ignore.

8) Say who you are. Including your own address and making your signature legible will show that the letter is genuine and that you are truly concerned about what you have written about.

9) Write when you hear good news as well as bad news. When positive changes are made, it is important to show appreciation.

10) Write in English. It is the most used language in the world, and no matter where you send your letter, someone will be able to understand it and translate it if necessary.



⁶¹ Amnesty International. *Human Rights Education* (1989) at Unit 6.

ACTIVITIES—JUNIOR HIGH



Materials: Junior High (for handouts and overheads, see appendix)

- Newspapers
- Handout 14: International Human Rights Activity
- Handout 15: UDHR Articles
- Handout 16: International Committee of the Red Cross
- Handout 17: Gandhi's Story

1. Current International Human Rights Issues

Following the instructions on handout #14, students will examine the newspaper to determine what are presently the most publicized international human rights issues. They will answer questions about who these issues affect, and whether they affect the students themselves. Sometimes even events that happen on the other side of the world can affect all of us in some way.

2. Responsibilities and Rights

Students will look at the human rights they discussed in activity 1 and will try to name the corresponding responsibilities that go with these rights.

3. Universal Declaration of Human Rights

Students will look at the rights discussed in activities 1 and 2 and will try to determine which articles of the UDHR apply to these rights. Students can refer to handout #15 for a brief description of some of the important articles of the UDHR. (The same information is also contained in the background information for Chapter 1 at page 5.)

4. Security Council Debate

Students will organize a mock UN Security Council, and will debate a current international topic found in the newspaper. For example, in late 1999, Russia carried out continuous attacks on Chechnya, and there were many stories about this in the newspaper. Each student will represent a country that is a member of the United Nations. Certain students will represent the 5 permanent members of the Security Council, and these students will have veto power. These 5 members are China, France, Russia, the United Kingdom and the United States. The UN Security Council usually has 15 total members, with 10 of the spots rotating among the countries that are not permanent members. A class will usually not have exactly 15 students, so for the purposes of the activity, the security council will have as many members as there are students. Each student will be allowed to represent their country and express their feelings on what should be done about the problem the Security Council is discussing. Students will propose courses of action and vote on them, remembering that the 5 permanent members of the Security Council can veto anything that is proposed. The challenge will be to see if any sort of agreement can be reached. In the example of Russia and Chechnya mentioned above, it would be very unrealistic to believe that an agreement would result, because Russia, the country on the offensive, has a veto. In other scenarios, however, a solution may very well be possible. Whether or not an agreement is reached, the goal of the activity is to show how complicated international politics are, because of the fact that there are many nations, each with a different perspective.

5. Battle of Solferino

Students will refer to Handout #16 and will read about the Red Cross and answer related questions. Please note that Handout #16 consists of 3 pages.

6. Refugee Board Role Play

Discuss refugees and the United Nations with the students. Students will form groups of 3 or 4 that will include a refugee board of more than one member and one refugee applicant. The students who are refugee board members will meet for

10 or 15 minutes and discuss how they will conduct a hearing, including what questions they will ask. The student who is playing the refugee will come up with a story to tell the board, which involves leaving a country in fear and making it all the way to Canada. The refugee applicant will present her or his case to the board. The board members will ask questions of the applicant. The questions will try to determine what the refugee applicant has to offer Canada, as well as whether or not she or he would be in danger back in her or his native country. Once all questions have been asked, the board members will meet and decide whether or not the applicant will be admitted to Canada.

7. Gandhi's Story

Students will read the Amnesty International story about Gandhi on handout #17, and will answer questions about his method of producing social change.⁶²



⁶² Gandhi's story is from the Amnesty International website—www.amnesty.org

ACTIVITIES—SENIOR HIGH

Materials: Senior High (for handouts and overheads, see appendix)



- Newspapers
- Handout 16: International Committee of the Red Cross
- Handout 17: Gandhi's Story
- Handout 18: Sample Advocacy Letter
- Handout 19: International Human Rights Personality Activity

1. Human Rights Around the World

Using the newspaper, students will determine which areas of the world appear to have the best and the worst situations with regard to human rights, and discuss how the newspaper stories give this impression.

2. Human Rights Advocacy

Students will find a situation in the newspaper involving a violation of human rights and will write a letter stating their position on behalf of Amnesty International or a similar group to the government involved with the rights violation. Please see handout #18 for a sample letter, and refer to the background information in this chapter on page 60 for advice on how to write an advocacy letter.

3. Editorial Discretion

Students will take an international human rights issue and write a newspaper editorial on it. They will then pretend they are writing for a newspaper that is controlled by a totalitarian regime, and will write an editorial on the same issue. When this is completed, students will discuss the differences between the two editorials they have produced and the reasons for the differences. Students will also comment on the level of objectivity of the Canadian press; is it high or low? Please see handout #11 for an example of an editorial from a Canadian

newspaper. The students will have to decide how to approach an editorial that is written for a totalitarian government.

4. International Human Rights Personality

Referring to handout #19, students will examine the newspaper and discover a personality who is related to international human rights issues. The activity on handout #19 involves reading about an individual involved with international human rights in the newspaper, and doing follow-up research on the individual. This research will show what can be learned from a newspaper as opposed to what can be learned through more extensive research. The one page biography that the students produce could be presented to the class.

5. Security Council Debate

Students will organize a mock UN Security Council, and will debate a current international topic found in the newspaper. For example, in late 1999, Russia carried out continuous attacks on Chechnya, and there were many stories about this in the newspaper. Each student will represent a country that is a member of the United Nations. Certain students will represent the 5 permanent members of the Security Council, and these students will have veto power. These 5 members are China, France, Russia, the United Kingdom and the United States. The UN Security Council usually has 15 total members, with 10 of the spots rotating among the countries that are not permanent members. A class will usually not have exactly 15 students, so for the purposes of the activity, the security council will have as many members as there are students. Each student will be allowed to represent their country and express their feelings on what should be done about the problem the Security Council is discussing. Students will propose courses of action and vote on them, remembering that the 5 permanent members of the Security Council can veto anything that is proposed. The challenge will be to see if any sort of agreement can be reached. In the example of Russia and Chechnya mentioned above, it would be very unrealistic to believe that an agreement would result, because Russia, the country on the offensive, has a veto. In other scenarios, however, a solution may very well be possible. Whether or not an agreement is

reached, the goal of the activity is to show how complicated international politics are, because of the fact that there are many nations, each with a different perspective.

6. Battle of Solferino

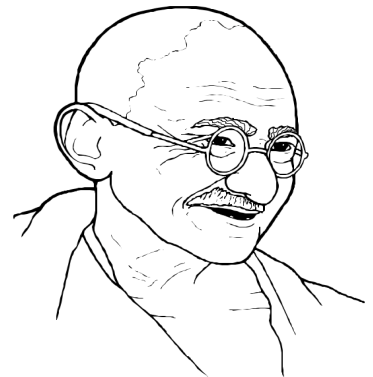
Students will refer to Handout 16 and will read about the Red Cross and answer related questions. Please note that Handout #16 consists of 3 pages.

7. Refugee Board Role Play

Discuss refugees and the United Nations with the students. Students will form groups of 3 or 4 that will include a refugee board of more than one member and one refugee applicant. The students who are refugee board members will meet for 10 or 15 minutes and discuss how they will conduct a hearing, including what questions they will ask. The student who is playing the refugee will come up with a story to tell the board, which involves leaving a country in fear and making it all the way to Canada. The refugee applicant will present her or his case to the board. The board members will ask questions of the applicant. The questions will try to determine what the refugee applicant has to offer Canada, as well as whether or not she or he would be in danger back in her or his native country. Once all questions have been asked, the board members will meet and decide whether or not the applicant will be admitted to Canada.

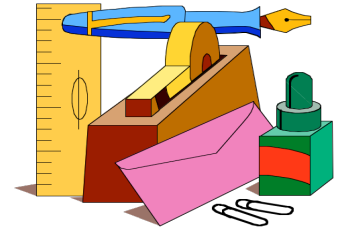
8. Gandhi's Story

Students will read the Amnesty International story about Gandhi on handout #17, and will answer questions about his method of producing social change.⁶³



⁶³ See note 36.

CHAPTER 4—HUMAN RIGHTS ISSUES IN CANADA AND ALBERTA



The overall objective of this chapter is to examine how Canada has approached concerns about human rights, and how Canadian citizens can act to protect their own human rights.

Objectives:

1. Students will become familiar with the Canadian Charter of Rights and Freedoms, how it functions in Canada, and how it is related to international human rights instruments such as the Universal Declaration of Human Rights.
2. Students will become knowledgeable about current issues relating to the Charter, such as racism, equality and sexual orientation.
3. Students will learn about provincial human rights instruments, what areas they cover, and what remedies they provide to those whose rights have been violated.
4. Students will learn about the legal methods Canada has used to combat organized hate.

BACKGROUND INFORMATION



The Canadian Charter of Rights and Freedoms

For the most part, the governments of Canada have respected the rights and freedoms of Canadians. However, these rights and freedoms were not always enshrined in law. In fact, only in the past forty years have Canadians made an effort to encode civil rights and liberties in law. Civil rights were initially given recognition in the Canadian Bill of Rights and later entrenched in the *Canadian Charter of Rights and Freedoms*.

The Canadian Bill of Rights was introduced by Prime Minister John Diefenbaker, and became law on August 10, 1960.⁶⁴ Because it was only an Act of Parliament and not part

⁶⁴ Dwight Gibson & Terry Murphy, *All About the Law—Exploring the Canadian Legal System* (Toronto: Nelson Canada, 1996) at 30.

of the Constitution, the government could change the Bill of Rights fairly easily. The Bill of Rights still applies today but only to matters falling under federal jurisdiction. Since then all the provinces and territories have adopted some form of Human Rights Code or Fair Practices Act that applies to them.

The Canadian Bill of Rights protects Canadians from discrimination based on race, national origin, religion or sex.

The *Canadian Charter of Rights and Freedoms* was passed in 1982. It is part of the Constitution of Canada and can only be changed by an amendment to the Constitution, a difficult thing to do. Because of this, the Charter is a very powerful document.⁶⁵

Section 52 of the Constitution says that “the Constitution of Canada is the supreme law of Canada and any law that is inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect”. This statement makes it clear that the Charter is the supreme law of the land, and any law that contradicts the Charter is invalid. Of all the human rights legislation in Canada, the Charter is the most important. The similarities between certain sections of the Charter and particular articles in the United Nations Declaration of Human Rights are striking.

If you, as an individual, feel that the government has violated your rights, you need to show in court that the law somehow goes against what the Charter says. The courts can strike down laws if they are found to be inconsistent with the Charter. The courts may also sever the law, which means that if only part of a law is un-Constitutional, only this bad part will be declared “of no force and effect”. The courts may also read in new language to a law. For example, in the *Vriend*⁶⁶ decision, the Supreme Court of Canada said that the words “sexual orientation” should be read in to the Alberta *Human Rights, Citizenship and Multiculturalism Act*.

The courts can also read down the law. This is different than reading in. “Reading down” legislation means that the Court gives an interpretation to certain words in the legislation

⁶⁵ Any proposed change to the *Charter* must receive the approval of the Senate, the House of Commons and at least fifty per cent of the Canadian population.

⁶⁶ *Vriend v. Alberta* (1998), 156 D.L.R. (4th) 385 (S.C.C.), overturning [1996] 8 W.W.R. 405 (Alta. C.A.), which had overturned (1994), 18 Alta. L.R. (3d) 286 (Q.B.).

that makes it comply with the Charter. The court orders this interpretation even though the words may be capable of other meanings.

Here is an example of a legal case where the Charter had the effect of striking down a section of the Criminal Code:⁶⁷

In 1988 the Supreme Court of Canada declared that the abortion law in the Criminal Code of Canada was un-Constitutional. Section 251 of the Criminal Code made it illegal to either have or assist a woman in having an abortion. An abortion would only be permitted if it were shown that continuing the pregnancy would endanger the mother's health. Dr. Morgentaler set up abortion clinics in defiance of this law. He was charged under section 251 of the Criminal Code. He argued that this section violated a woman's right to liberty and security of the person under the Charter, section 7. The Supreme Court agreed with Dr. Morgentaler and struck down section 251.

Fundamental Freedoms—Section 2

Section 2 of the Charter guarantees the following basic freedoms:

- freedom of conscience and religion;
- freedom of thought, belief, and expression, including freedom of the press and other media of communication;
- freedom of peaceful assembly; and
- freedom of association.

Without the right to freedom of religion and freedom of expression, a person could be persecuted for belonging to an unpopular religious group or for speaking out against the government. For example, in 1933 Québec passed a by-law prohibiting Jehovah's Witnesses from distributing their literature without permission of the police department.

⁶⁷ *Morgentaler v. R.* (1988), 62 C.R. (3d) 1, 37 C.C.C. (3d) 449 (S.C.C.).

Freedom of expression, thought, belief and opinion are freedoms that Canadians have enjoyed for many years. We have the right to speak out on issues without fear of repercussion. This right does not exist in all countries. In some nations, people who criticize the government are jailed or tortured.

Freedom of assembly and freedom of association mean that we can belong to any group, join trade unions and gather in peaceful groups without fear of reprisals.

Democratic Rights—Charter sections 3 to 5

Democratic rights include:

- the right to vote;
- the right to require the state to hold an election at least every five years; and
- the right to seek political office.

The right to vote is a right *some* Canadians have enjoyed for many years. However, in the past, the government has denied some groups this right. For example, Canadians of Japanese and Chinese origin were denied the right to vote until after World War II. Aboriginals were denied the right to vote until 1960, and women were not permitted to vote in federal elections until 1918. There are still some restrictions on this right. People under the age of 18 are not permitted to vote, and only Canadian citizens can vote.

Mobility Rights—Charter section 6

Mobility rights include:

- the right to enter, remain in and leave Canada;
- the right to move and take up residence in any province; and
- the right to pursue the gaining of a livelihood in any province.

This part of the Charter confirms the right of Canadians to move and seek work in other provinces. This section is not without limits. For example, if you are a member of a certain profession you may have to pass a test based on that province's standards before you can practice. Mobility rights are guaranteed only to citizens of Canada.

Legal Rights—Charter sections 7 to 14

Legal rights include:

- the right to life, liberty and security of the person; and
- the right to a fair trial when charged with a crime.

These are extremely important sections of the Charter. Without these sections, the authorities could put you in jail without a reason, deny you legal counsel or conduct unfair legal trials against you.

Equality Rights—Charter section 15

Section 15 guarantees the right to equal protection and benefit of the law without discrimination based on the following factors:

- race
- national or ethnic origin
- colour
- religion
- sex
- age, or
- physical or mental disability

Other grounds such as sexual orientation have been read into section 15.

How the Charter Works: Three Steps

1. Has a Right Been Infringed?

Once it has been established that a situation falls within the domain of the Charter, the court must determine if the government action or body has infringed a right specified in the Charter. This is done in two steps. The first step involves analyzing the impugned law by looking at its purpose and effect. The next step is to determine the meaning or content of the right or freedom being infringed. By analyzing both the law and the right or freedom in this manner, the Court is able to determine if the impugned law has infringed a Charter right or freedom.

2. Is the Infringement Justified?

Once it has been established that an infringement has occurred, the Courts must then determine if the law can be justified under section 1 of the Charter. Section 1 of the Charter is used by Courts to balance the right or freedom of the individual against the purpose and objective of the impugned law. The government may rely on section 1 as a defence where its actions have been found to violate the Charter.

More specifically, the balancing test done in section 1 of the Charter is referred to as the "proportionality test". The Charter gives Parliament and the legislatures the right to restrict our rights in certain cases. Section 1 declares that the Charter "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". In other words, with rights come responsibilities. For example, although we have freedom of expression, Parliament has specified certain limits on this, such as censorship of certain movies.

Oakes test

The court has developed a test to decide what constitutes a "reasonable limit" that can be "demonstrably justified in a free and democratic society." The test is called the "Oakes test" because it was developed in a Supreme Court of Canada case called *The Queen v Oakes*⁶⁸. Before applying the test the Court must examine the government's objective in the legislation (i.e., the problem the government wants to solve). The objective served by limiting the right must be of sufficient importance ("pressing and substantial") to warrant overriding a constitutionally protected right. The more serious the infringement, the more important the objective has to be to justify the infringement.

Second, the court will examine whether the means are reasonable and demonstrably justified. This is called the proportionality test. The proportionality test involves three components. The first step of the proportionality test is to determine if there is a "rational connection" between the government's objective and the means used to attain it (i.e., the legislation has to be connected to the objective of the government). Second, the means must impair the Charter rights as little as possible. Third, there must be proportionality between the effects of the limiting measure and the objective.

Example

*Suppose that an artist creates a picture that is considered to be obscene. In order for a Charter challenge to be started, the artist must first be charged under the appropriate Criminal Code section. The artist could then raise a Charter challenge of that Criminal Code section. The artist could argue that his freedom of expression is being unreasonably limited. If the court finds that this section unreasonably contravenes the right to freedom of expression then it will be of no "force or effect." Also consider the Supreme Court of Canada decision in *R. v. Sharpe*.⁶⁹*

⁶⁸ (1986), 24 C.C.C. (3d) 321, 26 D.L.R. (4th) 200, [1986] 1 S.C.R. 103, 50 C.R. (3d) 1.

⁶⁹ *R. v. Sharpe*, [2001] 1 S.C.R. 45

The court will examine whether the artist's piece of work is obscene and whether the law that applies is an unreasonable limitation. The Constitutional question will be examined first. If the limitation is unreasonable it will be irrelevant whether or not the judge believes that the work in question is obscene. The government may argue that no right or freedom has been infringed or it can argue that there is a limitation but the limit is reasonable and justified.

3. What is the Appropriate Remedy?

The next step is to determine what the appropriate remedy will be under the circumstances. As mentioned earlier, under section 24 the courts may order a remedy that is just and appropriate under the circumstances.

The “Notwithstanding Clause”—Section 33

Section 33 is one of the most controversial sections in the Charter. It is referred to as the “notwithstanding clause” and is seldom used. It allows provinces and the federal Parliament to override sections in the Charter. This can be done when the legislation specifically states it is to be exempted from one or more of the Charter provisions. For example, in 1989 Premier Bourassa of Québec used the clause to override a decision of the Supreme Court of Canada which set aside a law requiring signs displayed on the outside of public buildings to be in French only.⁷⁰

To whom does the Charter apply?

Before deciding whether a right has been infringed it must first be determined if the Charter covers the situation. **The Charter only applies to actions of the government**, albeit all levels of government. The Charter does not cover private relations between individuals. Provincial and territorial human rights codes and fair practices acts are intended to cover this type of relationship. The Charter does apply to public schools, school boards, and the provincial or territorial Ministers of Education.

Provincial Human Rights Legislation

Each province, territory and the federal government have a body that protects individuals against discrimination. Provincial or territorial human rights laws apply when a particular situation is covered by the areas and the grounds under the particular province’s laws.

⁷⁰ *Ford v. Attorney General Québec*, [1988] 2 S.C.R. 712 (S.C.C.).

Prohibited Grounds of Discrimination

Alberta’s *Human Rights, Citizenship and Multiculturalism Act* specifically provides protection from discrimination on the following grounds:

- race,
- religious beliefs,
- colour,
- gender (includes sexual harassment and pregnancy),
- physical or mental disability,
- age (tenancy and services and accommodation are not protected),
- ancestry or place of origin,
- family status or marital status,
- source of income
- **See below re sexual orientation**

Gender and Sexual Orientation: Current Human Rights Concerns

Many cases that come before human rights commissions involve claims of sexual harassment. The Supreme Court of Canada has stated that sexual harassment is a kind of gender discrimination.⁷¹ Gender does not need to be the only ingredient in the discriminatory conduct for it to be sex discrimination. Even if gender is only one factor in the sexual harassment, it is enough to be considered gender discrimination.

One kind of sexual harassment often considered in human rights cases is *quid pro quo* sexual harassment. *Quid pro quo*, which is Latin for “something for something”, is more direct harassment, and involves sexual demands being made upon someone in exchange for something. For example, in a job setting, an employee may lose an employment benefit unless she or he goes along with a sexual demand. Consequences vary from denial of a promotion, to a reduction in hours, to demotion and finally, to threat of dismissal or actual dismissal. This kind of sexual harassment can be implicit or explicit.

Examples:
Explicit: “To get this job, you’ll have to have sex with me.”
Implicit: “If you think you want this job, you might consider staying late once or twice, if you know what I mean.”

⁷¹ *Janzen v. Platy Enterprises Ltd.*, [1989] 1 S.C.R. 1252, (1989) CanLII 97 (S.C.C.)

Most sexual harassment cases involve men harassing women. The fact that only some, not all, women are the victims of sexual harassment does not mean that the conduct is not sex discrimination. The reverse is also possible, as is same-sex harassment.

Other cases in which the ground of discrimination is gender have involved the rights of pregnant women to benefits, and the right of women to be paid equally for doing work of the same value as men.

Another ground of discrimination is sexual orientation. While most provinces' human rights laws include sexual orientation as a prohibited ground of discrimination, Alberta's is an exception. However, as a result of the *Vriend* case, sexual orientation is a protected ground in Alberta as well, even though it is not actually written in the province's *Human Rights, Citizenship and Multiculturalism Act*.

In the *Vriend* case, Delwin Vriend worked at a college in Alberta as a laboratory coordinator. Despite positive work evaluations, pay increases and a promotion for his work performance, Vriend was asked to resign when it became known to his superiors at the college that he was gay. He refused and was fired. He took his case to the Alberta Human Rights Commission, but because sexual orientation was not a protected ground of discrimination, he could not get any help there. Eventually, eight years after he was terminated, the Supreme Court of Canada decided that sexual orientation should be "read in" to the Alberta Act. This means that sexual orientation should be considered a protected ground, even though it is not actually written in the Act.⁷²

Areas of Discrimination

The Alberta *Human Rights, Citizenship and Multiculturalism Act* applies to discrimination in the following areas:

- employment and employment advertising;
- trade union membership;
- tenancy;
- services customarily available to the public; and
- notices.

⁷² *Vriend v. Alberta*.

Employment

Everyone is entitled to equal treatment in employment. For example, an employer cannot refuse to hire an individual because he is married or because she is female. An employer cannot refuse to hire an individual because of his race or nationality. In addition, employers are responsible for maintaining workplaces that are free from harassment and discrimination. If they fail to do so, they may be held responsible.

The following case documents a situation where gender is the ground upon which the discrimination is based and employment is the area; it demonstrates a situation where there is a poisoned work environment because of sexual harassment. This type of sexual harassment occurs when there is an offensive or intimidating work or school environment:⁷³

Dayna McLeod was employed by Bronzart Casting. She was the only female working in the metal shop. There were about 30 pictures of “pin-up Sunshine girls” from the Calgary Sun newspaper in the metal shop. There was also a large calendar poster of a female, near the time clock, which Dayna saw at 8:00 am and 4:30 p.m. daily. The poster portrayed a bikini-clad female in a very suggestive pose. Dayna asked her supervisor to remove all the posters from the workplace because she found them offensive. The Sunshine posters were removed but the large one remained. When she asked again for the poster to be removed, her supervisor changed the number of hours she worked per week from 40 down to 4.

The court found that the hanging of sexually suggestive posters in the workplace constituted sexual harassment.

Tenancy

Tenancy refers to the rental of residential or commercial accommodation. Nobody can be denied accommodation because of the grounds listed on page 91. Everyone must be treated equally regarding the amount of rent, leases, rules and regulations.

⁷³ *McLeod v. Bronzart Casting Ltd.* Alberta Human Rights Panel (1997).

Landlords must ensure that their procedures and policies are fair, as the following example demonstrates:⁷⁴

Mr. Miller suffered from bipolar disorder. Because of his disability he was unable to work and received social assistance. Mr. Miller received subsidized housing from Voco Property Group. The landlord allowed Mr. Miller to have a cat in his unit, for which Mr. Miller paid a \$50 damaged deposit. Without telling the landlord, Mr. Miller got three more cats. The landlord then tried to evict Mr. Miller on the basis that his cats had damaged the hallways. When this did not work, the landlord raised Mr. Miller's rent and refused to renew his subsidy agreement. This forced him to pay market rent.

The Human Rights Panel found that Mr. Miller was in part responsible for the poor relations between himself and the landlord. Nevertheless, the Panel found that the landlord had discriminated against Mr. Miller by unjustifiably increasing the rent and by refusing to renew the subsidy agreement.

Studies on the housing of minorities in Canada show that racial discrimination in the housing market is common.⁷⁵ More than twenty unrelated studies conducted over the 40-year period from the 1950s to the 1990s have found discrimination against racial minority groups⁷⁶. Also, the combination of various protected grounds, such as race and sex, was found to result in a greater likelihood of discrimination. For example, while low-income single mothers generally face a high degree of discrimination, the likelihood of discrimination against an Aboriginal single mother would be ten times as great⁷⁷. A study conducted in Regina, Saskatchewan, showed that most treaty Indians who tried to

⁷⁴ *Glenn Miller v. 409205 Alberta Ltd. & VOCO Property Group* (2001), 42 C.H.R.R. D/311, (Alberta Human Rights Panel Decision). This decision was upheld on appeal to the Alberta Court of Queen's Bench [(2002), 44 C.H.H.R. D/260]

⁷⁵ Allan Melenchuk, *Toward Intercultural Understanding: An Anti-Racist Training Manual* (Calgary: Weigl Educational Publishing, 1993) at 70 (hereinafter Melenchuk).

⁷⁶ Sylvia Novac, Joe Darden, et. al., *Housing Discrimination in Canada: The State of Knowledge* (Canada Mortgage and Housing Corporation, February 2002) at v. (hereinafter CMHC Study)

⁷⁷ CMHC Study, at 47.

find housing were refused by a landlord at least once.⁷⁸ A study conducted by the Québec Human Rights Commission in 1989 showed that 30% of blacks looking for rental accommodation were turned down three or more times compared to 12% of whites.⁷⁹

Services Customarily Available to the Public

Programs and services provided by businesses, local organizations, and municipalities are particularly important because they affect all people on a daily basis. The Supreme Court of Canada has defined “services” as “restaurants, bars, taverns, service stations, public transportation and public utilities.” Services have also been held to include schools.⁸⁰ This means that every person should have equal access to hospitals, shops, restaurants, and all other services. This means that every person should have equal access to hospitals, shops, restaurants, and all other services as the following example shows:⁸¹

Mrs. Ganser purchased a condominium from Rosewood Estates and was assigned an underground parking stall. Mrs. Ganser suffered from macular degeneration which left her virtually blind. This meant she could not drive, and therefore did not use the parking stall herself. However, her caregivers did. Rosewood then changed its rules so that only those people who owned a vehicle and had a driver’s license were allowed to have a parking stall. Mrs. Ganser’s caregivers then had to try and find a free visitor parking stall or pay for parking on the street.

The Human Rights Panel found that Rosewood’s rule about parking stalls was discriminatory on the basis of physical disability. Because of her vision problems, Mrs. Ganser could never qualify for a parking spot under the new rules. The Panel ordered that Rosewood provide a new indoor parking spot to Mrs. Ganser and that they pay \$5,000 in general damages to her.

⁷⁸ Melenchuk at 71.

⁷⁹ Melenchuk at 72.

⁸⁰ June Larkin, *High School Girls Speak Out* (Toronto: Second Story Press, 1994) at 13.

⁸¹ *Ganser v. Rosewood Estates* (January 2002) Alberta Human Rights Panel Decision.

Notices

In Alberta the following are illegal: notices, signs, statements in publications and symbols which indicate discrimination or which are likely to expose people to hatred or contempt. Provincial and territorial human rights laws also affect newspapers, a type of publication. The notices provision and the provisions around advertising for employees and tenants affect the content of newspapers.

Defences

In a human rights complaint, the person or company that is complained about is called the respondent. In most Canadian jurisdictions, respondents have defences available to them. Thus, even if a respondent has discriminated against a person for grounds and under areas covered by the legislation, they may have an excuse that will prevent them from being found liable under the human rights laws.

One such excuse occurs in the area of employment. It is called the “*bona fide* occupational requirement” defence. The other defence applies more generally and is called the “reasonable and justifiable” defence; that is, if the respondent can show that the discrimination was reasonable and justifiable under the circumstances, it will be permitted. Some examples of reasonable and justifiable discrimination include:

- Voting—People under the age of 18 are not permitted to vote in federal or provincial elections.
- Driving— People under the age of 16 are not permitted to drive.

Human rights acts in Canada allow discrimination in certain employment situations. It may be considered to be a *bona fide* occupational requirement, which means that the discrimination might be considered to be necessary for the safe, efficient, and economical performance of the job.

*Example: In a case in Prince Edward Island, a school refused to employ a bus driver who was over the age of 65. The bus driver complained that he was been discriminated against on the basis of age. The Board of Inquiry held that a requirement that a school bus driver be less than 65 years of age was reasonably necessary to the efficient, economical and safe performance of the job.*⁸²

⁸² *MacDonald v. Regional Administrative School Unit No.1* (1992), 16 Canadian Human Rights Reporter D/409.

The Purpose of Provincial and Territorial Human Rights Laws

Unlike the *Criminal Code*, which has punishment as one purpose, provincial and territorial human rights codes are not meant to punish offenders. Instead, the purpose is to provide relief for victims. Since these laws are not intended to punish, large money awards are not usually handed out for this purpose. Instead, a human rights commission will often order individuals to:

- apologize for their discriminatory behaviour;
- establish non-discriminatory policies;
- take courses to learn about discrimination and how to avoid perpetrating it;
- reinstate someone who has lost her or his position as a result of discrimination.

There has, however, been a trend towards increasing monetary awards called “general damages”. Human rights panels order this kind of monetary award to compensate for injury done to a person’s dignity and feelings when their human rights are violated (i.e., for non-economic losses).

Human Rights Panels across Canada have followed the general principle that, if an amount for general damages is awarded, it is meant to make the victim “whole” again.⁸³ It should put the complainant, as much as is possible, in the position he or she would have been in had their human rights not been violated. The award should not result in unrealistic or windfall compensation, but it should also be high enough to encourage respect for the law and not be a mere “licence fee” for continued discrimination.⁸⁴

Making a Complaint to the Alberta Human Rights Commission

The majority of complaints received by the Commission are in the area of employment and are based on the grounds of gender and physical disability.⁸⁵ The good news is that

⁸³ *Matheson v. Presbytery of Prince Edward Island* (2007), Prince Edward Island Human Rights Panel, at para. 15 (hereinafter *Matheson*)

⁸⁴ *Jennifer Steeves v. Woody’s Place, O’Brien’s Pub/RPK Inc. and Jeff Johnson* (2007), New Brunswick Labour and Employment Board, sitting as a Human Rights Board of Inquiry.

⁸⁵ Alberta Human Rights Commission website, online: <http://www.albertahumanrights.ab.ca/publications/case_studies.asp>

generally about 95% of the complaints filed are resolved through conciliation and investigation services, and only approximately 5% move on to a hearing.

As the person making the complaint, you are the *complainant*. The person or organization against whom you are making the complaint is the *respondent*.

In Alberta the following steps can be taken if you feel you have been discriminated against:

1. Fill out a form or send a letter to the Alberta Human Rights Commission. Complaints must be filed within **one year** of the alleged incident. The information you need to file a complaint in Manitoba can be found at <http://www.albertahumanrights.ab.ca> on the Internet.
2. The Commission will forward a copy of your complaint to the Respondent. The Respondent then has 21 days to file a response with the Human Rights Commission.
3. A copy of the Respondent's response is forwarded to you as well.
4. A person (called a conciliator) will be appointed by the Human Rights Commission to contact both you and the Respondent to try and find a solution agreeable to both parties. This process is called "conciliation". It is non-adversarial and totally voluntary.
5. If an agreement cannot be reached, an investigator is appointed and investigates the complaint further.
 - a. An investigator may talk to witnesses and look at other relevant documents to find out what happened.
 - b. The investigator then looks at all the facts, the *Human Rights Act*, and any legal cases all together.
 - c. Based on this review, the investigator makes a recommendation about whether to proceed or dismiss the complaint. The complaint may be dismissed where, for example, the facts do not show a reasonable basis for continuing, or you have refused to accept a proposed settlement that is fair and reasonable.

6. If the case proceeds, another attempt is made by the Commission to help negotiate a settlement between you and the Respondent. If settlement cannot be reached the matter is sent to a Human Rights Panel hearing.
7. At the Panel hearing, which is open to the public, both parties present evidence to support their case. You can be represented by the Commission, or you can choose to represent yourself (or hire a lawyer to do so). Generally, you would represent yourself only if you are asking the panel for a remedy, or for compensation, that is greater or different from the remedy that the Commission would seek.
8. The Panel then issues a decision. A Panel decision can be appealed on questions of law to the Alberta Court of Queen's Bench.

To file a human rights complaint:

Alberta Human Rights Commission

Northern Regional Office 800 Standard Life Centre
10405 Jasper Avenue
Edmonton, Alberta T5J 4R7
Confidential Inquiry Line: (780) 427-7661

Southern Regional Office Suite 310, 525 – 11 Avenue SW
Calgary, Alberta T2R 0C9
Confidential Inquiry Line: (403) 297-6571

Hate Propaganda

Hate motivated activity is any action, material or organization that promotes bias against identifiable groups.⁸⁶ Hate crimes include, but are not limited to, the dissemination of material promoting hatred. Racism and hate propaganda have long been a part of Canadian history. Early European settlers promoted ideas that Aboriginals were inferior

⁸⁶ Jacquelyn Nelson & George Kiefl, *Survey of Hate-Motivated Activity* (Federal/Provincial/Territorial Working Group on Multicultural and Race Relations in the Justice System, 1995).

and uncivilized.⁸⁷ In addition to continued promotion of hatred against First Nations peoples, there is evidence of anti-Semitism in the early days of Canada.

Organized racist activity in Canada became a concern in Canada in the early 1920's when the Ku Klux Klan began to establish chapters in Western Ontario.⁸⁸ The Ku Klux Klan spread into the prairie provinces, and was particularly successful in creating a stronghold in Saskatchewan. The Ku Klux Klan began to viciously attack Blacks, Catholics and Jews. As immigration increased after World War I, so did the backlash against minority groups, foreigners and individuals.⁸⁹

When the distribution of hate propaganda increased in the late 1950's and 1960's, a special committee was created to examine the problems relating to hate propaganda and to make recommendations. The Special Committee on Hate Propaganda (commonly referred to as the Cohen Committee) presented its report on the existence of hate propaganda in Canada and in 1965 urged the inclusion of hate propaganda laws in the Criminal Code. The committee took 11 months to make its findings. They found that hate propaganda, although not alarming in Canada, was sufficiently serious to require government action. The first anti-hate criminal laws were enacted in 1970.

A second wave of racist activity took place in the mid-1970s. Groups such as the Nationalist Party of Canada, the Edmund Burke Society and the Western Guard Party were active and the Ku Klux Klan was revived.⁹⁰ Hate propaganda was transmitted via leaflets and pamphlets, the telephone, and videocassettes. New computer technologies made it possible to send hate messages via the Internet. The second wave of hate group activity has been accompanied by prosecutions of perpetrators of hate literature. Some cases were highly publicized, such as the *Keegstra* and *Zundel* cases.⁹¹

⁸⁷ Karen Mock, "Combating Racism and Hate in Canada Today: Lessons of the Holocaust" in B'nai Brith Canada and the Nizkor Project, *Hate and the Internet - Selected Readings*.

⁸⁸ For more information about the history of hate groups in Canada see Warren Kinsella, *Web of Hate*. (Toronto: Harpers Collins Publishers Ltd., 1995).

⁸⁹ B'nai Brith Canada, "Is Your Child a Target? Guidelines for Parents and Teachers on the Dangers of Hate Group Recruitment in Canada" (B'nai Brith League for Human Rights).

⁹⁰ Philip Rosen, "Hate Propaganda", Current Issue Review, September 1995.

⁹¹ *R. v. Keegstra*, [1990] 3 S.C.R. 697 and *R. v. Zundel*, [1992] 2 S.C.R. 731.

The Criminal Code and Hate Propaganda

Although most of this chapter has focused on federal and provincial human rights laws, the *Criminal Code* of Canada is also responsible for protecting human rights in Canada. Sections of the *Criminal Code* that deal with hate propaganda are found mainly in sections 318 to 320.

Section 318 prohibits advocating or promoting genocide. Genocide, as mentioned in chapter 1, is the killing or destruction of an identifiable group of people. “Identifiable group” is defined as any section of the public distinguished by colour, race, religion, or ethnic origin. There are no reported cases in Canada dealing specifically with this section of the *Criminal Code*. It has, however, been mentioned in immigration cases.⁹²

Section 319 of the *Criminal Code* prohibits public incitement of hatred. In order for a person to be found guilty of publicly inciting hatred against an identifiable group, his or her statements must be made in a public place. The statements must also be likely to lead to a breach of peace. “Public place” is defined to include any place to which the public has access as of right or by invitation, express or implied. In the *Keegstra, supra* case, the court emphasized that the term hatred “connotes emotion of an intense and extreme nature that is clearly associated with vilification and detestation.” “Hatred” is an emotion that if exercised against members of an identifiable group, implies that those individuals are to be despised, scorned, denied respect and made subject to ill treatment on the basis of group affiliation. A number of cases have been brought to court regarding public incitement of hatred.

Section 320 allows a judge to issue a warrant to seize copies of publications found by the courts to be hate propaganda, if they are held for sale or distribution. In 2001, the *Anti-terrorism Act* added section 320.1 to the *Criminal Code*. This new section is the equivalent of s.320, but for the computer world. It allows the courts to order the deletion of publicly available on-line hate propaganda from computer systems. The court can only make this order if the hate propaganda is located on a Canadian computer system.⁹³ However, the material can be deleted regardless of where the owner of the material is

⁹² *Mugesera v. Canada (Minister of Citizenship and Immigration)*, [2005] S.C.R. 100, at para. 83.

⁹³ Federal Department of Justice website (Anti-Hate Provisions in the Criminal Code and the Canadian Human Rights Act) – <http://canada.justice.gc.ca/eng/antiter/sheet-fiche/hate-haine.html>

located, or whether he or she can be identified. The federal government added s.320.1 to help fight terrorism because it feels that fighting hate speech and intolerance against specific ethnic or religious groups in our society helps prevent terrorism.

Section 181 of the *Criminal Code* makes it illegal to spread false news likely to cause mischief or injury to a public interest. This section was challenged as unconstitutional in a case called *R. v. Zundel*. Mr. Zundel was accused of spreading false news when he published a pamphlet suggesting that the Holocaust was a myth. At trial, Mr. Zundel was convicted. He appealed his conviction. Ultimately, the Supreme Court of Canada struck down section 181 as an infringement on freedom of expression under the Charter's section 2. This section remains written in the Criminal Code, but if anyone were to try and enforce it they would not be able to, because it has been struck down.

The Crown opposed Zundel on many grounds and argued that even if the *Criminal Code* section violated freedom of expression, it could be justified because it protected Canadian society from falsehoods being promoted as truths. The Supreme Court of Canada held that the false news provision could not be used to limit the expression of honestly believed, though mistaken, opinions.

The Criminal Code and Hate-Related Crimes

Hate crimes are hard to prove and there have only been a few times when people have been charged, but there are other crimes that often fit the bill. For example, many kinds of harassment would be caught by the present criminal law. For example, serious acts of violence against people or property, or threats of such violence would fall under the *Criminal Code*. Minor assaults such as spitting may also be considered to be an assault.⁹⁴ "Assault" is defined as the intentional application of force or the threat of force without the victim's consent.⁹⁵ Assault may be motivated by hate. If a person has experienced any kind of assault, a complaint should be made to the police. The harasser will usually be given a criminal record if found guilty.

⁹⁴ Glenn A. Gilmour, "Hate Motivated Violence" in League for Human Rights of B'nai Brith Canada, *Symposium on the Legal Remedies for Hate Crimes*, (Toronto, 1994) at 2.

⁹⁵ *Criminal Code* R.S.C. 1985, c. C-46, s.265 (1).

In addition, the *Criminal Code* was changed so that judges could impose more severe penalties if crimes are motivated by hate.⁹⁶ When the judge convicts people and sentences them, the fact that the crime was motivated by hate may factor into the type of sentence they receive. The government added this new sentencing provision to make it easier to combat hate crimes. The *Criminal Code* says that if a crime is motivated by hate, the court must give the offender a harsher penalty.

⁹⁶ *Criminal Code*, R.S.C. 1985, c. C-46, s.718.2



ACTIVITIES—JUNIOR HIGH

Materials: Junior High (for handouts and overheads, see appendix)

- Newspapers
- Handout 15: The *Universal Declaration of Human Rights*
- Handout 20: The *Canadian Charter of Rights and Freedoms*
- Overhead 2: Human Rights Codes
- Overhead 3: Human Rights Codes—Grounds

1. Current Charter Issues

Using the materials in this chapter and Handout 20, explain the content and use of the *Charter of Rights and Freedoms*. Have students examine the newspaper to find examples of current issues affected by the *Canadian Charter of Rights and Freedoms*. Have them cut out and mount the article (opinion piece, etc.). Beside the article, they should write a summary of its key points, illustrating how the *Charter* is involved.

2. The Charter and the Universal Declaration

Students will compare the Charter to the Universal Declaration of Human Rights and will determine which sections of each instrument have the same purpose. Please see handout #15 on the UDHR and handout #20 on the Charter. Have students examine the newspaper to find examples of current issues affected by the *Universal Declaration of Human Rights*. Have them write and present a skit in which the right is illustrated.

3. Provincial Human Rights Laws

Using the materials in this chapter and Overheads #2 and #3, explain the content and use of provincial human rights laws. Have students examine the newspaper to discover current local issues that are impacted upon by the provincial human rights laws. Students may write a letter of complaint to their local human rights commission, stating their thoughts on why there are grounds (in the particular article) for a human rights complaint and what they think should be done about it.

4. Provincial Human Rights Commission

Students will write a scenario involving a human rights violation that affects them. Students will then exchange their scenario for another student's and will write a response on behalf of the provincial human rights commission saying what their decision is regarding the problem. Students will not necessarily know the law, but will make their decisions based upon what they think is fair.

5. Canadian Human Rights Hero

Students will research a Canadian human rights hero they feel has made a significant impact on human rights, either in Canada or throughout the world. Students will write a feature newspaper story on the person they choose. The story will be more of a personal profile than a simple accounting of historical facts. Since it is not a straight news story, the inverted pyramid style of writing (p. 40) is not required, or even desired. Instead, students will fashion human-interest stories, and will employ interesting, evocative writing styles in order to catch a potential reader's attention.

6. Mock Human Rights and Citizenship Commission

A. This activity will be quite lengthy, but will hopefully involve all students. The final result should be video taped so that it could be shown to students in the future to assist them in preparing for the assignment. The ultimate aim of the activity is for the students to see the practical application of the Alberta *Human Rights, Citizenship and Multiculturalism Act*.

B. The class should be divided into three large groups. Each group should contain students of a variety of abilities. The following activities will be performed three times, once by each group.

C. Organize a group of about 7 students. Assign a group recorder and leader.

D. The task of this group is to write a play of about 10 minutes to be performed in front of the class. Several members of the group should be in the play, although some could be in charge of props and costumes. Two members of the group will be acting as "lawyers" at a later stage. They should be careful to note all of the facts of the case and should start to think about arguments for the second stage of the proceedings. The group should report to the teacher within a specific time frame: Group names and jobs or roles, props required and who will be providing them, subject matter of the play.

E. The subject matter of the play must include some type of discrimination. The discrimination could be subtle or overt. The students could rely upon some

examples provided in class exercises or could brainstorm their own ideas. The teacher should maintain the right to veto any dialogue or activity that is offensive. The play should end with the complainant contacting the “Human Rights Commission” to outline his or her complaint, a brief section on efforts made to conciliate between the parties, and ultimately a lack of success in reaching a satisfactory resolution to the problem.

F. The play will be performed in front of all of the class.

G. In the meantime, organize a group of 3 students who will be responsible for running the Human Rights Panel. While the other group is preparing its play, the members of the Panel should be preparing a list of rules for conducting a hearing (e.g.: Who will speak first? How long will each speaker be allowed to speak? What type of evidence will be permitted?) The list should be typed up and distributed to the “lawyers”, the “discriminator” and the “complainant” ahead of time, so that they know the rules. Alternatively, the rules could be posted ahead of time for all to see.

H. On the day that the play is performed, the Human Rights Panel will view the play, taking notes for possible questions. After the play is performed, there should be a break so that they may meet to make questions and to decide last minute issues. At this time, the lawyers and their clients should also meet to finalize what they are going to say at the Panel hearing. The persons acting out the role of the discriminator should focus on possible defences such as reasonable and justified discrimination. Other group members may be of assistance during this process.

I. Perform the Human Rights Panel hearing at the front of the class. A table may be used and the students may be seated. The students are obligated to follow the rules and time limits decided by the Human Rights Panel.

J. After the matter is performed, permit the Human Rights Panel to adjourn in privacy to discuss the decision it has made, the reasons for its decision and the remedy it proposes for the complainant, if it finds that there has been discrimination and that no defence is available.

K. Have the Human Rights Panel announce or read its decision to the class.

L. Repeat the above steps for the two other groups.

M. The class may discuss whether they agree or disagree with the decision of the Human Rights Panel and why.

N. As a follow-up activity, students could write a news story about one of the hearings.



ACTIVITIES—SENIOR HIGH

Materials: Senior High (for handouts and overheads, see appendix)

- Newspapers
- Handout 20: *The Canadian Charter of Rights and Freedoms*
- Overhead 2: Human Rights Codes
- Overhead 3: Human Rights Codes—Grounds
- Overhead 4: Charter facts

1. Current Charter Issues

Using the materials in this chapter and Handout 20, explain the content and use of the *Charter of Rights and Freedoms*. Have students examine the newspaper to find examples of current issues affected by the *Canadian Charter of Rights and Freedoms*. Have them cut out and mount the article (opinion piece, etc.). Beside the article, they should write a summary of its key points, illustrating how the *Charter* is involved.

2. Provincial Human Rights Laws

Using the materials in this chapter and Overheads #2 and #3, explain the content and use of provincial human rights laws. Have students examine the newspaper to discover current local issues that are impacted upon by the provincial human rights laws. Students may write a letter of complaint to their local human rights commission, stating their thoughts on why there are grounds (in the particular article) for a human rights complaint and what they think should be done about it.

3. Provincial Human Rights Commission

Students will write a scenario involving a human rights violation that affects them. Students will then exchange their scenario for another student's and will write a response on behalf of the provincial human rights commission saying what their decision is regarding the problem. Students will not know all about human rights law, but they will be able to see on Overhead #'s 2 and 3 the areas that human rights codes traditionally cover, and what grounds are protected. Students

will write their decision based on this knowledge and on their interpretation of the facts of the case presented to them.

4. Canadian Human Rights Hero

Students will research a Canadian human rights hero they feel has made a significant impact on human rights, either in Canada or throughout the world. Students will write a feature newspaper story on the person they choose. The story will be more of a personal profile than a simple accounting of historical facts. Since it is not a straight news story, the inverted pyramid style of writing (p. 40) is not required, or even desired. Instead, students will fashion human-interest stories, and will employ interesting, evocative writing styles in order to catch a potential reader's attention.

5. Newspapers and the Provincial Human Rights Code

Using the materials in this chapter and Overheads #2 and #3, explain the content and use of provincial human rights laws. Students will then examine the newspaper to see if there are any possible human rights code violations as far as notices about employment and tenancy are concerned. Students will look for evidence of wording designed to make sure that display advertisements or classified ads comply with the law. Students may write a letter of complaint to their local human rights commission, stating their thoughts on why there are grounds (in the particular article) for a human rights complaint and what they think should be done about it.

6. The Charter—What Do You Think?

Students will write an editorial stating whether or not they feel that the *Canadian Charter of Rights and Freedoms* works well, and why they feel this way. Students will include in their editorials ways that they think that the *Charter* could be improved. Please see overhead #4 for some *Charter* facts.

7. Mock Human Rights and Citizenship Commission

A. This activity will be quite lengthy, but will hopefully involve all students. The final result should be video taped so that it could be shown to students in the future to assist them in preparing for the assignment. The ultimate aim of the activity is for the students to see the practical application of the Alberta *Human Rights, Citizenship and Multiculturalism Act*.

B. The class should be divided into three large groups. Each group should contain students of a variety of abilities. The following activities will be performed three times, once by each group.

C. Organize a group of about 7 students. Assign a group recorder and leader.

D. The task of this group is to write a play of about 10 minutes to be performed in front of the class. Several members of the group should be in the play, although some could be in charge of props and costumes. Two members of the group will be acting as “lawyers” at a later stage. They should be careful to note all of the facts of the case and should start to think about arguments for the second stage of the proceedings. The group should report to the teacher within a specific time frame: Group names and jobs or roles, props required and who will be providing them, subject matter of the play.

E. The subject matter of the play must include some type of discrimination. The discrimination could be subtle or overt. The students could rely upon some examples provided in class exercises or could brainstorm their own ideas. The teacher should maintain the right to veto any dialogue or activity that is offensive. The play should end with the complainant contacting the “Human Rights Commission” to outline his or her complaint, a brief section on efforts made to conciliate between the parties, and ultimately a lack of success in reaching a satisfactory resolution to the problem.

F. The play will be performed in front of all of the class.

G. In the meantime, organize a group of 3 students who will be responsible for running the Human Rights Panel. While the other group is preparing its play, the members of the Panel should be preparing a list of rules for conducting a hearing (e.g., Who will speak first? How long will each speaker be allowed to speak? What type of evidence will be permitted?) The list should be typed up and distributed to the “lawyers, the “discriminator” and the “complainant” ahead of time, so that they know the rules. Alternatively, the rules could be posted ahead of time for all to see.

H. On the day that the play is performed, the Human Rights Panel will view the play, taking notes for possible questions. After the play is performed, there should be a break so that they may meet to make questions and to decide last minute issues. At this time, the lawyers and their clients should also meet to finalize what they are going to say at the Panel hearing. The persons acting out the role of the discriminator should focus on possible defences such as they were

reasonable and justified in what they did. Other group members may be of assistance during this process.

I. Perform the Human Rights Panel hearing at the front of the class. A table may be used and the students may be seated. The students are obligated to follow the rules and time limits decided by the Human Rights Panel.

J. After the matter is performed, permit the Human Rights Panel to adjourn in privacy to discuss the decision it has made, the reasons for its decision and the remedy it proposes for the complainant, if it finds that there has been discrimination and that no defence is available.

K. Have the Human Rights Panel announce or read its decision to the class.

L. Repeat the above steps for the two other groups.

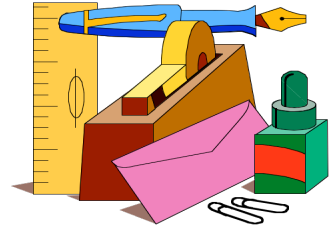
M. The class may discuss whether they agree or disagree with the decision of the Human Rights Panel and why.

N. As a follow-up activity, students could write a news story about one of the hearings.



CHAPTER 5—HUMAN RIGHTS AND YOUTH

Chapter Purpose: The objective of this chapter is to explore how human rights can affect and be affected by young people.



Objectives

1. Students will gain an understanding of how human rights are relevant to young people.
2. Students will learn how they can make an impact with regard to human rights and the community.
3. Students will learn how their issues are represented (or ignored) in the newspaper, and how the newspaper is or is not directed at them.

BACKGROUND INFORMATION

Human rights are vital for youths, especially young children, because they are not able to fend for themselves. Children rely on adults to provide for them, protect them, and give them guidance. When adults decide not to care and provide for children, but instead exploit them, horrible human rights violations can occur. The recognition that violations of children’s human rights are significant issues has led to laws and treaties concerned solely with preventing these violations. The most notable international example is the United Nations’ *Convention on the Rights of the Child*.



The United Nations Convention on the Rights of the Child

The United Nations have become aware over the years of many human rights violations pertaining to children. Their response was to draft a treaty that would aim to protect children from the perpetrators of these violations. The end result of a long process was the *Convention on the Rights of the Child*. The prime considerations of the Convention are the best interests of children. The Convention’s preamble says:

Bearing in mind that, as indicated in the Declaration of the Rights of the Child, “the child, by reason of his physical and mental immaturity, needs special

safeguards and care, including appropriate legal protection, before as well as after birth”,

and later:

Recognizing that, in all the countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration,

The Convention’s different articles cover the following children’s rights issues:

- **Article 1:** a child means a person under 18 years of age, unless under a country’s laws the age of majority is younger.
- **Article 2:** children must not be discriminated against.
- **Article 3:** the best interests of the child must be the primary consideration of public institutions making decisions involving children.
- **Article 5:** countries must respect the responsibilities, rights and duties of parents.
- **Article 6:** every child has the right to life.
- **Article 7:** children must be registered and have the right to a name, the right to acquire a nationality, and, as far as possible, the right to know and be cared for by their parents.
- **Article 9:** children must not be separated from their parents, except when it is in their best interests.
- **Article 12:** children who are capable of forming their own views have the right to express their views in matters concerning them, and these views will be given appropriate weight when their age and maturity is considered.
- **Article 13:** children have the right to express themselves freely; this includes the right to receive and impart information and ideas of all kinds, although there are some restrictions on this, such as for moral considerations.
- **Article 14:** children have the right to freedom of thought, conscience and religion.
- **Article 15:** children have the right to freedom of association and peaceful assembly.

- **Article 16:** children have a right to privacy.
- **Article 17:** children have the right to access mass media.
- **Article 24:** children have the right to the highest possible standard of health care.
- **Article 27:** children have the right to an adequate standard of living.
- **Article 28:** children have the right to an education.
- **Article 31:** children have the right to rest, leisure and play.
- **Articles 32 and 38** acknowledge the problems of child labour and child soldiers.

Article 32: children have the right to be protected from economic exploitation and from performing dangerous work.

Article 38: children under 15 must not be recruited for the army.

The *Convention on the Rights of the Child* came into effect in Canada in 1992, when it was signed by Prime Minister Jean Chrétien. However, there has been some controversy about the Convention in Canada. Some people feel that the Convention takes away the rights of parents to raise their children as they see fit. This view was much publicized in the province of Alberta, where “parental rights” groups urged the provincial government not to sign the treaty.

In fact, international treaties such as the Convention do not need to be signed by provincial governments for them to be in effect, so whether or not the Alberta government gave its approval of the Convention, it did apply in Alberta, as well as in the rest of Canada. The Alberta government finally gave its approval to the Convention in 1999, albeit without publicizing it as much as it publicized its original concerns about the Convention.

The concerns some people have about the *Convention on the Rights of the Child* are based on a misconception. The Convention does not have the authority to interfere with families and the way parents raise their children. In fact, the Convention acknowledges the rights of parents in its preamble, where it says:

“*Convinced* that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community...”

What the Convention *is* designed to do is regulate the relationship between governments and children. The idea is to prevent abuses and unfairness that can occur in particularly harsh regimes. For example, during the reign of the communist government in China, there have been times where children were not permitted to read anything that was not directly approved by the government. The United Nations, and many others, believe that this kind of thought control is wrong, and the Convention attempts to prevent it. However, while Articles 13 and 17 of the Convention say that children should have the right to access information of all kinds, including the mass media, this does not mean that children have a right to read or see anything they want. Article 13 is limited by “morals”, and in any event, parents have the final say in such matters.

Canada’s Reporting Obligations for the Convention on the Rights of the Child

When a country ratifies an international treaty, its government will sometimes have an obligation to send reports to the United Nations showing that the treaty is being complied with. For the *Convention on the Rights of the Child*, a report is required every five years. A UN committee evaluates the report, and will indicate what improvements must be made to bring a country in line with the requirements of the Convention. The committee favours a report that includes input from non-governmental organizations as well as from a country’s government. This is because it feels that a more objective analysis of a country’s compliance can be achieved through consideration of a non-government perspective. The committee may ask for more information, or it may request a whole new report if the original one is totally inadequate. Sometimes the committee will suggest that new laws are required, or that adjustments in policy and practice are necessary. The reports are made public, and are available at public libraries.

How Children Can Use International Conventions

Canada has ratified the United Nations *Convention on the Rights of the Child*, as well as other international human rights conventions, and therefore these conventions' requirements have become part of the law in Canada. As a result, laws and governments within Canada must reflect the Conventions' articles. Canadian children who are being denied the rights they are guaranteed under these conventions can use the Canadian legal system to remedy their situations. Possibilities include bringing a complaint before the provincial or federal human rights commission and using the courts.

If these options do not work, there is no procedure under the *Convention on the Rights of the Child* for individual complaints from children to the United Nations.⁹⁷ However, children could potentially bring a complaint under the *International Covenant on Civil and Political Rights* to the United Nations Human Rights Committee. They would do this using what is called a "petition". This process was explained in Chapter 3. An example of this procedure working for an individual Canadian, although not for a child, is the Lovelace case also discussed in Chapter 3.

Child Labour

A prominent concern with regard to violations of children's human rights is child labour. Although the number of child labourers fell by 11% globally between 2002 and 2006 the International Labor Organization (ILO) estimates that there are still 218 million child labourers around the world, over half of them working in hazardous conditions.⁹⁸

The reasons that children are exploited in this way are obvious. Children are highly desirable employees because:

- they are easily intimidated,
- they can be paid a lower wage than adult workers, and
- they do not form trade unions.

⁹⁷ United Nations Office of the High Commissioner for Human Rights, *Fact Sheet No. 10 The Rights of the Child (Rev.1)*, online: <<http://www.ohchr.org/Documents/Publications/FactSheet10rev.1en.pdf>>

⁹⁸ United Nations, International Labor Office (ILO), International Programme on the Elimination of Child Labour website, online: <<http://www.ilo.org/ipec/areas/lang--en/index.htm>>

Some kinds of child labour are particularly hazardous and exploitative, such as bonded labour, commercial sexual exploitation, and any work that is so demanding that it hampers a child's physical, social, cognitive, emotional or moral development. People in developing countries often employ child labourers as domestics, agriculture workers, or as manufacturers of products such as rugs, clothing, toys and surgical instruments. Many of these products are destined for world exports, including retail outlets in North America. The ILO says that there are just 122.3 million children working in Asia, 49.3 million in Africa and 5.7 million in Latin America.⁹⁹ Although child labour may be more prevalent in other countries throughout the world, it can and does occur in North America, including Canada. Even if child labour were completely eliminated in North America, however, the relationship between child labour and our society would remain intact, because many products manufactured by children around the world are destined to be purchased by North American consumers. Often, the low price of these products, which makes them so desirable to consumers, is at least partly attributable to the fact that the child labourers who originally produced them were paid so little.

Craig Kielburger and Free the Children¹⁰⁰

Young people who are concerned about human rights but feel that they cannot do anything to help can look to the example set by Craig Kielburger for inspiration. In April, 1995, when he was 12 years old, Craig read about child labour and the exploitation of children for the first time. He was introduced to the topic by an article on the front page of the Toronto Star newspaper. The article was about the death of Iqbal Masih from Pakistan, who was 12 years old when he died, the same age as Craig when he read the article. The article described how Iqbal was sold into slavery as a bonded labourer for \$16 when he was 4 years old, was shackled to a carpet loom and forced to make carpets.

⁹⁹ United Nations, International Labor Office (ILO), International Programme on the Elimination of Child Labour, online: <<http://www.ilo.org/ipecc/Regionsandcountries/lang--en/index.htm>>. Statistics to the end of 2004.

¹⁰⁰ All statistics and information about Craig Kielburger and Free the Children obtained from the following website: www.freethechildren.org/history.html.

He escaped the people enslaving him when he was 10, but two years later he was murdered.

This story shocked Craig, who had not been previously aware of the differences between his life and the lives of millions of other children throughout the world. He researched the issue of child labour and organized his friends and classmates to form a children's organization called Free the Children. The four main goals of Free the Children are to:

- produce an educational campaign to create greater awareness of the issue of child labour and the exploitation of children.
- produce a campaign to convince world leaders to make the education and the protection of children a priority in their decisions.
- produce a fund-raising campaign to create alternatives for children who are being abused and exploited.
- act in collaboration with children around the world to help bring about change.

With his parents blessing and help, Craig visited five countries in South Asia so that he could meet working children and learn about what it was like for them and how he and other North American children could help. While he was in New Delhi, he organized a press conference with bonded child labourers and persuaded the Canadian government to donate \$700,000 to the International Program for the Elimination of Child Labour. The Canadian government also set up a parliamentary subcommittee to examine Canada's position with regard to child labour, and what actions could be taken to help alleviate it. This has led to some initiatives, including placing emphasis on children's issues in international aid programs, and a voluntary code of conduct that is attempting to ensure that products imported into Canada are not made from the exploitation of children. When he returned from South Asia, Craig convinced the Canadian Minister of Foreign Affairs that it was necessary to change the *Criminal Code* to charge Canadians who sexually exploit children in other countries.

Craig has continued to travel extensively and to raise consciousness of the issue of exploitation of children. He has gained international acclaim as a result of appearances on 60 Minutes and CNN International. He regularly speaks to students, teachers, labour unions and business groups throughout North America, and also abroad. He tries to convince youths to become involved in human rights and social issues, saying that they can really make a difference, as he has. He believes that youths should be involved with government and should have the right to participate in defining and implementing their rights. This concept is contained within the United Nations Convention on the Rights of the Child. Canadian Minister of Foreign Affairs Lloyd Axworthy had this to say about Craig: “Through his intelligence and activism, Kielburger has debunked the notion held by many adults that children have nothing serious to contribute to government policy debates.”

Free the Children has this ten-point plan for tackling child labour:

1. Ban the most hazardous forms of child work including bonded labour, work in heavy industry or with dangerous substances and commercial sexual exploitation. Governments should support the upcoming International Labor Organization Convention on Hazardous Labour and act against these most extreme forms of child labour immediately.
2. Guarantee universal primary education. If they gave it sufficient priority even the poorest governments could deliver on this goal, to which they have all committed themselves by signing up to the UN Convention on the Rights of the Child.
3. Make education more flexible, relevant and attractive to child workers. It is not good simply opening the school doors and assuming the children will flock in. There are creative initiatives for state education systems to build on.
4. Register all births. This is vital if there is to be a chance of regulating under-age working.
5. End structural adjustment’s crucifixion of Southern economies, which has slashed education spending while fostering a dog-eat-dog climate which helps push children into work on the streets.

6. Raise the status of child domestic workers. Existing laws need to be applied to this forgotten group of child labourers and a new worldwide campaign launched to draw attention to their plight. Consciousness-raising can work wonders here, as a multimedia campaign in Sri Lanka recently proved.
7. Rein in the transnational corporations. In the absence of a world body prepared to regulate the transnationals, consumer pressure must do what it can to force corporations to adopt voluntary codes of conduct. These must apply to their suppliers' employees as well as their own and must offer dismissed children an adequately funded educational alternative.
8. Give child workers' jobs to their own adult relatives so that the family as a whole does not suffer. This must be established as a general principle of anti-child labour practice worldwide.
9. Support child workers' organizations, along with their demand for more protection and rights in the workplace. If children's wages are raised to the level of adults', it will remove one of the main incentives to employ children.
10. Gather more information. Data on child labour is notoriously sketchy and inadequate. More research is especially needed into the "invisible" areas of child labour—those within the home, on the family farm or domestic service—which particularly affect girls.

A similar but perhaps even more awful issue concerning human rights activists such as Craig Kielburger is the horror of children being used to fight the wars perpetrated by adults. The problems presented by the issue of child soldiers are similar to those concerning child labour. It is relatively easy to force children to do something, and their limited experience means they do not always know what is right and what is wrong. As a result of these factors, children fight wars for reasons unknown to them.

Age Discrimination

In Canada, the *Charter of Rights and Freedoms*, the *Canadian Human Rights Act*, and the various provincial and territorial human rights codes are supposed to prevent a variety of forms of discrimination, including discrimination on the basis of age. However, many

provinces' human rights laws define age as being 18 years or older. The result of this is that young people may be subject to certain restrictions simply because of how old they are.

It is not only Canadian youth who are affected by such restrictions. Here are some stories from an American web site that is devoted to promoting the plight of young people who are the victims of age discrimination:¹⁰¹

I was apartment hunting with my mother a while back, and we happened upon this place in Queens [New York]. Seemed nice enough (quiet neighborhood and everything.) Well, I stayed in the car while the apartment was being looked at, rent discussed, etc. Then, when everything was pretty much done, my mom decided to introduce me to the landlord. At the time I believe I was 13 or 14. Then, as we walk up the steps and to the door, the landlord says "What?! You have kid? Nonono! We have eh, problems before! No kids! No teens!" While the agent who was helping us try and find apartments tried to convince the landlord that I'm just a nice kid, my mother and I got back in the car, and my mother said to the agent, "Don't even bother. I don't have to "sell" my son to anyone. He's a good kid, and if they don't want him here because of his age, that's their loss." While quite happy with my mother's attitude, I was dismayed at the situation. While landlords have great leeway in deciding their tenants, if the landlord had said "no blacks!" to an African-American man, I guarantee you Al Sharpton and his cadre of protesters would have been outside of that woman's door before the news-cams were. ASFAR needs to grow strong so that we can fight this kind of bias in all its ugly, hideous, small-minded forms, and I hope those reading this are ready to help out with the youth-rights movement.

[When I was 16] I was in a music store with my 12 year old friend. I think the store was Sam Goody, but anyway they let you listen to any CD or tape that you

¹⁰¹ Americans for a Society Free from Age Restrictions (ASFAR) website. Online: <http://www.asfar.org>

wanted to. So my friend wanted me to listen to one of his favorite songs, but the lady working there said that you had to be at least 14 to listen to certain CD's. So I asked for it because I was old enough and she said, "well I need some ID!"

Now first of all, what kind of ID is a 14 year old going to be carrying around!!! I mean really! I didn't have my Driver's Licence yet so I couldn't show her that! I tried to show her my student ID because that at least showed that I was in high school but she said that it needed my birthday on it. And the strange thing is that we both looked way over 14, I mean he will often pass for a 16 year old easy! I think she was just giving us a hard time, which she can do, there's nothing to stop her. I thought you can't refuse service based on your race, well what about your age? I have been turned away from the register so many times because they thought I was too young. And the age changes depending on which store I go into.

Our school frequently has "half days" where teachers attend seminars and classes that give them new teaching ideas. On those days we attend school until 11:30 am. On one of these days, right after school got out, I needed to go to a grocery store to pick something up for my mom. When I walked up to the register to buy perfectly legal products, I was turned away! They claimed I was cutting school and they didn't serve truants. At that point I explained that my school was already let out for the day. They refused to even listen to me and ordered me to leave. Not only was this appalling to me, this employee publicly embarrassed me in front of 50 people, who all were dismayed at the actions of this store. To this day, I never go to this store and have urged all of my friends and family not to go.

In addition, there are specific laws aimed at the criminal behaviour of people under the age of 18. Generally, these laws take into account a young person's lack of experience and are accompanied by penalties that are less severe than those for adults. However, there are occasions, usually for particularly bad infractions, where these young people will be treated as though they are adults for legal purposes. Some people feel that this is necessary in order to ensure that young people who are actually hardened criminals do

not escape appropriate punishment. Others feel that young people should face the same penalties as adults, no matter what their situation. Still others feel that ignoring the more lenient young offender punishments should be unconstitutional.

Other issues that sometimes arise include the idea of curfews for young people, and preventing more than a certain number of young people in a convenience store. The legality of curfews is questionable, but, according to the human rights laws that allow discrimination on the basis of age if a person is under 18 years old, a store owner in Canada can legally refuse to provide service for young people or place a limit on the number of young people allowed in a store at a particular time.

It should be remembered that until recently in many provinces age was defined as being from 18 years old to 65 years old. This meant that not only young people faced age discrimination. People who were over the age of 65 were also subject to it. Now every province and territory has taken out the upper age limit in the definition. This means that people over 65 are now protected from age discrimination. A particularly important effect is that older people can continue working at their jobs because mandatory retirement policies are generally no longer allowed.

ACTIVITIES—JUNIOR HIGH



Materials: Junior High (for handouts and overheads, see appendix)

- Newspapers
- Handout 21: Junior High Students and the Newspaper
- Handout 22: Sample advertisement
- Handout 23: Defending the CRC
- Handout 24: Curfews?
- Overheads 5-8: Convention on the Rights of the Child
- Overhead 9: Child Labour

1. Junior High Students and the Newspaper

a) Discuss with students whether or not they read the newspaper, and if not, why not. What is their favourite newspaper? What is their favourite section of the newspaper? Why? What is the section they are the least interested in? Why? Do the students prefer the news on TV or the newspaper? Why?

b) Have students examine whether areas of the newspaper are aimed at them, and discuss why certain sections look as though they are aimed at people their age. Students can discuss whether they actually like these areas of the newspaper or not, and why. How would they change them? Please see handout #21.

2. The Young People's Newspaper

After students are familiar with the various sections of the newspaper, divide them into groups and assign each student a task (i.e., cartoonist, editorial, classified, editor...). Get them to create a newspaper that would appeal to them. They will produce an actual front page for this newspaper that will contain an index and short descriptions of stories that would be found inside this newspaper for people of junior high school age. Questions the students will have to answer while doing this activity include: What sections would this paper have? How would it be different from the way newspapers are generally?

3. UN Convention on the Rights of the Child

Students will look throughout the newspaper for examples of the different articles of the UN Convention on the Rights of the Child coming into play. Please see overhead #'s 5 through 8 for a summary of some of the important articles, which can also be found in the background information for this chapter. The overheads can be used to discuss what each article means. Sometimes the articles include somewhat complicated language.

4. Defending the CRC

Students will respond to an editorial that describes the Convention on the Rights of the Child in very negative terms by producing their own letter to the editor. Please see handout #23. Teachers and students should remember that parents' rights are not actually affected by the Convention, which only pertains to the relationship between children and government. Despite this, many editorials like this one have appeared in newspapers across Canada.

5. Child Labour

Students will write an editorial or a column on child labour: what do they think of child labour? What would they do about it? Do they have any personal knowledge or experience with child labour? Do they know of any companies that might exploit children? Please see overhead #9, which contains some of the facts about child labour that are in the background information for this chapter.

6. Age Discrimination

- a) Students will look for examples of age discrimination in the newspaper.
- b) Students will write a newspaper story chronicling any age discrimination they have faced in their lives. Students will use proper reporting techniques, including the inverted pyramid style and a "lead" to start the story (see chapter 2).

7. Human Rights Advertisement

Students will design a display advertisement to promote a youth rights issue, such as age discrimination. They will make it as eye-catching as possible, with striking and evocative images and catchy slogans. The ad will say who is promoting the cause, and what the goal is. The ad can be any size as long as it will fit in the newspaper format. Students could even do a series of ads that build upon or play off of one another. Please see handout #22 for a sample advertisement.

8. Young Advocates

Students will write an exposé on how they or other young people they know have stood up for things and made a difference as Craig Kielburger has.

9. Curfews?

Students will respond to a column advocating curfews for people under the age of 16. Please see handout #24.

ACTIVITIES—SENIOR HIGH



Materials: Senior High (for handouts and overheads, see appendix)

- Newspapers
- Handout 22: Sample advertisement
- Handout 23: Defending the CRC
- Handout 24: Curfews?
- Handout 25: Youth voting rights
- Overhead 9: Child labour

1. Is the Newspaper for You?

Students will say whether or not they like the newspaper, and whether or not they feel it is aimed at them. They will identify the sections they like and dislike, and will say what they feel the newspaper is missing.

2. Defending the CRC

After learning about the Convention on the Rights of the Child, students will respond to an editorial that describes the Convention on the Rights of the Child in very negative terms by producing their own letter to the editor. Please see handout #23.

3. Child Labour

Students will write an editorial or a column on child labour: what do they think of child labour? What would they do about it? Do they have any personal knowledge or experience with child labour? Do they know of any companies that might exploit children? Please see overhead #9, which contains some of the facts about child labour that are in the background information for this chapter.

4. Discrimination Story

Students will write a newspaper story chronicling any age discrimination they have faced in their lives. Students will use proper reporting techniques, including the inverted pyramid style and a “lead” to start the story.

5. Human Rights Advertisement

Students will design a display advertisement to promote a youth rights issue, such as age discrimination. They will make it as eye-catching as possible, with striking and evocative images and catchy slogans. The ad will say who is promoting the cause, and what the goal is. The ad can be any size as long as it will fit in the newspaper format. Students could even do a series of ads that build upon or play off of one another. Please see handout #25 for a sample advertisement.

6. Young Advocates

Students will write an expose on how they or other young people they know have stood up for things and made a difference as Craig Kielburger has.

7. Curfews?

Students will respond to a column advocating curfews for people under the age of 18. Please see handout #24.

8. Youth Today

How are youth treated in today’s society? What rights of the youth are being discriminated against? Create a comic strip, poem, or song that demonstrates youth human rights issues.

9. Youth Voting Rights

Students will respond to an article that advocates children aged 16 and 17 being able to vote in federal elections. Please see handout #25.

Alberta Curriculum Summary

Newspaper Project Topic	Curriculum Subject(s)	Specific Subject Area(s)
CHAPTER 1 Human Rights (Historical context)	Social Studies English / Language Arts	<ul style="list-style-type: none"> • philosophy • Grade 7 - People and Their Culture • Grade 8 - History and Geography in the Western Hemisphere - (Topic B) • SS 10 + 13 - Canada in The Modern World (Topics A+B* (Issue C esp.)) • SS 30 + 33 - The Contemporary World (Topics A + B) • English / Language Arts - see point 3 below
Discrimination (Stereotypes)	Health Social Studies English / Language Arts	Health JH <ul style="list-style-type: none"> • Dimensions: Social/Personal, Ethical/Moral + Intellectual • Theme 1 - 3 Health 10 <ul style="list-style-type: none"> • Units 5 + 6 • Curriculum integration 1+2) - concepts of personal rights and responsibilities, 3) Dealing positively with personal and social issues, 4) personal choices and challenges. Social Studies <ul style="list-style-type: none"> • Grade 7 - People and Their Culture • SS 10 + 13 - Canada in The Modern World (Topics A+B) • SS 20 + 23 - The Growth of the Global Perspectives (Topics A+B) English / Language Arts - see point 3 below

<p>Current events</p>	<p>Social Studies</p> <p>English / Language Arts</p>	<p>Social Studies</p> <ul style="list-style-type: none"> • Grade 7 - People and Their Culture • SS 10 + 13 - Canada in The Modern World (Topics A+B) • SS 20 + 23 - The Growth of the Global Perspectives (Topics A+B) • SS 30 + 33 - The Contemporary World (Topics A + B) <p>English / Language Arts - see point 3 below</p>
<p>CHAPTER 2 Critical Reading (bias)</p>	<p>Social Studies</p> <p>English / Language Arts</p>	<ul style="list-style-type: none"> • Social Studies - reading the newspaper can be done for any area in the curriculum. (Critical reading skills can also be taught in SS) • English / Language Arts - see point 3 below
<p>Writing in the different styles found in the newspaper</p>	<p>English / Language Arts</p>	<ul style="list-style-type: none"> • English / Language Arts - see point 3 below
<p>CHAPTER 3 International Law (instruments - UN Declaration of Human Rights, refugees, immigration, poverty, war, war crimes, land mines, hate crime)</p>	<p>Social Studies</p> <p>English / Language Arts</p>	<p>Social Studies</p> <ul style="list-style-type: none"> • Grade 7 - People and Their Culture • Grade 8 - History and Geography in the Western Hemisphere - (Topic C) • SS 10 + 13 - Canada in The Modern World (Topics A, B) • SS 20 + 23 - The Growth of the Global Perspectives (Topics A+B) • SS 30 + 33 - The Contemporary World (Topics A + B) <p>English / Language Arts - see point 3 below</p>

<p>Civil and political rights</p>	<p>Social Studies</p> <p>English / Language Arts</p>	<p>Social Studies</p> <ul style="list-style-type: none"> • Grade 7 - People and Their Culture • Grade 8 - History and Geography in the Western Hemisphere - (Topics B + C) • SS 10 + 13 - Canada in The Modern World (Topics A+B) • SS 20 + 23 - The Growth of the Global Perspectives (Topics A+B) • SS 30 + 33 - The Contemporary World (Topics A + B) <p>English / Language Arts - see point 3 below</p>
<p>Economical, social and cultural rights</p>	<p>Social Studies</p> <p>English / Language Arts</p>	<p>Social Studies</p> <ul style="list-style-type: none"> • Grade 7 - People and Their Culture • Grade 8 - History and Geography in the Western Hemisphere - (Topics B + C) • Grade 9 - Economic Growth: Differing Perspectives (Topics A - C) • SS 10 + 13 - Canada in The Modern World (Topics A+B) • SS 30 + 33 - The Contemporary World (Topics A* + B) <p>English / Language Arts - see point 3 below</p>
<p>CHAPTER 4 Canadian Charter of Rights and Freedoms (equality, freedom of expression)</p>	<p>Social Studies</p> <p>English / Language Arts</p>	<p>Social Studies</p> <ul style="list-style-type: none"> • Grade 7 - People and Their Culture • Grade 8 - History and Geography in the Western Hemisphere - (Topic B) • SS 10 + 13 - Canada in The Modern World (Topics A + B) <p>SS 20 + 23 - The Growth of the Global Perspectives (Topics A+B)</p> <p>English / Language Arts - see point 3 below</p>

<p>Provincial human rights codes, remedies</p>	<p>Social Studies</p> <p>English / Language Arts</p>	<ul style="list-style-type: none"> • SS 10 + 13 - Canada in The Modern World (Topics A+B) • SS 30 + 33 - The Contemporary World (Topics A + B) <p>English / Language Arts - see point 3 below</p>
<p>CHAPTER 5 Human Rights and Youth (how Human Rights are relevant to youth; how youth can be activists, limits on youth's human rights).</p>	<p>Social Studies</p> <p>Health</p> <p>CALM</p> <p>English / Language Arts</p>	<p>Social Studies</p> <ul style="list-style-type: none"> • SS 10 + 13 - Canada in The Modern World (Topics A+B) • SS 20 + 23 - The Growth of the Global Perspectives (Topics A+B) <p>Health JH</p> <ul style="list-style-type: none"> • Themes 1 - 3 • Health 10 • Units 6 + 9 <p>CALM</p> <ul style="list-style-type: none"> • Theme A <p>English / Language Arts - see point 3 below</p>
<p>UN Convention on the Rights of the Child</p>	<p>Social Studies</p> <p>English / Language Arts</p>	<ul style="list-style-type: none"> • SS 10 + 13 - Canada in The Modern World (Topic A) • SS 20 + 23 - The Growth of the Global Perspectives (Topics A+B) <p>English / Language Arts - see point 3 below</p>
<p>Young people and the newspaper. (Is the newspaper for kids? What parts are for kids? How many kids read the newspaper?</p>	<p>English / Language Arts</p> <p>Math</p>	<ul style="list-style-type: none"> • English / Language Arts - see point 3 below • Math • statistical info • see point 4
<p>statistics</p>	<p>Math</p>	<ul style="list-style-type: none"> • can use numbers in variety of ways • especially in JH - fractions, graphing etc.

Notes:

1. The topics must be broken down into specific activities.
2. Almost every topic can be worked in the Social Studies curriculum.
3. All of the topics can be incorporated into the English curriculum—especially if students are looking at the issues in the newspaper and applying the newspaper rules (writing styles etc.). By ensuring that the activities focus on the skills set out in the curriculum, the different topics will be easy to incorporate into an English / language arts curriculum.

K-9 - General Learning Outcomes:

Students will be able to listen, speak, read, write, view and represent to:

- i. explore thoughts, ideas, feelings and experiences.
- ii. comprehend and respond personally and critically to oral, print and other media texts.
- iii. manage ideas and information
- iv. enhance the clarity and artistry of communication
- v. respect, support and collaborate with others.

General Language Objectives for Grades 1-12

- i. Production and reception of sounds and printed words.
- ii. Relationships between the flow of word in speech and the arrangement of words on the printed page.
- iii. Use of language to talk about language.
- iv. Order and form of words as signals to meaning.
- v. Relationships between diversity and subtlety of word meanings and the total meaning of a communication.
- vi. Relationships between the manner in which ideas are organized and presented and the total meaning of a communication.
- vii. Extension and enrichment of meaning through nonverbal communication.
- viii. Language variation according to audience, purpose, situation, culture and society.
- ix. Immediate language variation in sensitive response to audience reaction.
- x. Language is a dynamic system which records, reflects and affects cultures.
- xi. Use of language to explore the environment and ideas of others, to develop new concepts to evaluate what is discovered.
- xii. Role of language in increasing understanding of self and others.
- xiii. Use of language to stir imagination, deepen understanding, arouse emotion and give pleasure.
- xiv. Relationship of language to other forms of artistic expression.

4. The youth section could be incorporated in many different curriculum areas—Health, CALM, English/Language Arts, Social Studies, and Math.