A well-functioning government requires the active involvement of its citizens. To participate effectively in Canadian society, it is important to understand the workings of the government, and your rights and responsibilities.

In Canada, human rights are protected by the Charter of Rights and Freedoms, which guarantees equality “before and under the law” for all Canadians.

Between elections, committed citizens can participate in democracy by voicing their opinions on issues that are important to them.
CHAPTER 10
The Canadian Charter of Rights and Freedoms, enacted in 1982 as part of the Canadian Constitution, prohibits discrimination against individuals based on ethnicity, religion, sex, or disability.

The Charter resulted in changes to the Indian Act which allow Aboriginal women to keep their Indian status if they marry non-Aboriginal men.

Global Democracies and Authoritarian States in 2007

Fully functional democracy
Limited democracy
Authoritarian state
Citizens Effecting Change

GUIDING QUESTIONS

Politics & Government

- What does active citizenship look like in Canadian politics?
- How do lobbyists and pressure groups influence government decisions?
- What role does the media play in effecting change?
- What are the characteristics of civil disobedience?
- What are the similarities and differences among key political ideologies?
- Explain the political spectrum. What characterizes the left, centre, and right portions of the spectrum?
- How do Canada’s political parties differ and where do they fit on the political spectrum?
- How do B.C.’s political parties differ and where do they fit on the political spectrum?
- What are the stages of passing a bill?
- What are the benefits and challenges of a minority government?
- What are the stages of the electoral process in Canada?

TIMELINE

1854
Sir John A. Macdonald founds Liberal Conservative Party, known after 1873 as the Conservative Party

1873
The Liberal Party of Canada emerges as a united force under Alexander Mackenzie

1898
National plebiscite on prohibition

1932
Co-operative Commonwealth Federation, Canada’s first socialist party, is founded; J.S. Woodsworth is its first leader

1942
National plebiscite on conscription

1944
CCF forms the first socialist government in North America
We are so used to living in a democracy that sometimes we forget the responsibilities that go with our right to choose the people who make the laws and regulations that govern our lives. Sometimes we forget to ask ourselves how we would handle an issue, what we would want to accomplish, and how we can ensure that our government represents our wishes. In democracies, government is not separate from the people. In fact, democracy needs active citizen involvement or it ceases to be democracy.

In this chapter, you will learn how you can make your voice heard in Canada’s system of democracy. You will also learn about political ideologies, and where Canada’s political parties fit on the political spectrum. This will help you match your own beliefs and values with a political party. You will also learn how the Canadian government works and how political parties try to gain and maintain power.

**KEY TERMS**
- democracy
- lobbyist
- ideology
- socialism
- liberalism
- conservatism
- totalitarian
- authoritarian
- communism
- fascism
- political spectrum
- party platform
- patronage
- Senate
- Cabinet
- House of Commons
- Cabinet solidarity
- Order-in-Council
- royal assent
- party discipline
- free vote
- private member’s bill
- majority government
- minority government
- coalition
- prorogue Parliament
- dissolve Parliament
- electoral district, riding, constituency
- nomination
- enumeration
- balloting
- tabulating
Democracy Begins with the People

Democracy is a form of government that gives the people who are ruled by its laws and policies certain rights over the actions and careers of those in power. However, democratic governments still do things that people do not like, and making those who rule us answer to us is not often easy. Making government responsive to our needs is important. Active citizenship means that we learn how best to accomplish this.

Suppose you think that government should do more to protect the environment, or that a new social program should be introduced, or you feel that the voting age for elections should be lowered. How could you work to make your goal a reality? Would letters to the editor of a widely read newspaper accomplish anything? Or a letter to the government or opposition? Should you start a blog? Should you speak to somebody who works in a government department? Should you join the youth wing of a political party, or join a group of like-minded people that is pressuring the government? How could you become more involved in the democratic process?

Issues Important to Canadians

The issues important to Canadians change over time. Some make headlines for a time and then fade out of the spotlight. Others, such as whether Canada should go to war, are often time-specific. Some issues are so basic to our view of Canada and ourselves that they arise again and again. We expect political candidates to know about important issues and to take positions on them, and we hope to learn, through news reports, editorials, and analysis, that the candidates are working to address these issues. Recurring Canadian issues include Aboriginal rights, Quebec and bilingualism, continentalism (how closely we align ourselves with the United States), minority rights, civil liberties, the influence of big business, the environment, defence, spending priorities and taxation, crime, and maintaining social programs. What issues are important to you? Has government addressed these issues? How effective has government action been? Is it possible for ordinary people to have a say on an issue and to influence how government addresses it?
Influencing Government

People can and do participate in democracy between elections. One way is to contact one’s Member of Parliament (MP), Member of the Legislative Assembly (MLA), or local representative, which is surprisingly effective. Another is to contact civil servants, who conduct the daily business of the government. Writing letters to the editor, e-mailing, blogging, or participating in radio phone-in shows also help citizens communicate their thoughts and ideas to government. While individuals can make a difference, especially at the local level, it is usually more effective to join a group of like-minded people who are committed to a specific goal.

Special interest groups, called pressure groups, organize to influence government policies and decisions. Such groups are made up of people who share a certain viewpoint and want to promote their common interest. Institutionalized pressure groups, such as the Assembly of First Nations, are well-established and have formal organizations. Issue-oriented groups are not permanent because their purpose is to accomplish limited aims and they usually disband once their goal is reached. A group that lobbies a local government to have a traffic light installed would be an example of an issue-oriented group.

<table>
<thead>
<tr>
<th>Organization</th>
<th>Goals</th>
<th>Methods/Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spirit Bear Youth Coalition</td>
<td>To protect kermode (spirit) bears and their habitat</td>
<td>Created international youth-led environmental coalition; B.C. government announced plans to protect two thirds of kermode bear habitat</td>
</tr>
<tr>
<td>The Wilderness Committee</td>
<td>To protect old-growth forests and the environment</td>
<td>Raises public awareness of environmental issues; lobbies government to protect old-growth forests</td>
</tr>
<tr>
<td>B.C. Citizens for Public Power</td>
<td>To prevent privatization of power supplies in B.C.; to promote energy conservation</td>
<td>Lobbies government on power generation and supply issues; organized class-action lawsuit against sale of portion of B.C. Hydro to the private sector</td>
</tr>
<tr>
<td>Alliance for Arts and Culture</td>
<td>To protect the arts in B.C.</td>
<td>Raised awareness of effects of cuts to arts programs</td>
</tr>
<tr>
<td>United Native Nations</td>
<td>To represent Aboriginal people whose status is defined “solely on Aboriginal ancestry, not on the artificial definitions created by an outdated Canadian Indian Act”</td>
<td>Lobbies and raises awareness on housing and other social issues, particularly for Aboriginal people living in cities</td>
</tr>
</tbody>
</table>

FIGURE 9-3 Canadian pressure groups
Letter-writing campaigns can be very effective. Governments listen to citizen complaints and concerns, and it is a policy of most Canadian government departments to respond to all letters. This does not mean that a government minister will personally respond to every concern. Usually, letters are prepared for the minister’s signature by officials who are responsible for the program or issue in question. But letters can have positive results since governments know that for every person who writes a letter, there are likely many more people who share the same view. To be effective, your letter must be directed to the right department or person, and it should also be well thought out, even if it takes the form of an e-mail. You should follow these guidelines when communicating with a politician.

**Letter-Writing Tips**

**Research which level of government deals with the area of your concern.** It makes little sense to direct a letter about Canada’s defence policy to the provincial government, or a complaint about street cleaning to the federal government. Effective letter writing requires that you target your request or complaint to the appropriate department or person.

**Know where to direct your message.** Decide whether it would be more effective to direct your letter to the opposition, to the government, or to both. Although all elected representatives will answer your letter and even bring your issue to the attention of the government, it is up to you to decide where your letter will be most effective. If your letter is about a provincial matter, it is also usually better to target your message to a minister rather than to the premier.

**Identify yourself.** Tell the reader who you are and why you are writing the letter. Tell the politician something about yourself and why the issue is important to you.

**Keep it simple.** Your letter should address a single issue and you should explain what your concerns are in a straightforward way. Do not confuse the reader or bury your concerns by including off-topic items. Try to limit your letter to one page. Politicians are often very busy and reading long letters is time consuming.

**Request that a specific action be taken.** Make concrete suggestions as opposed to vague reminders. A request such as “Please pass legislation banning free plastic bags” has more authority than “Please think about the environment.”

**Be courteous.** Always be respectful in letters to politicians. Rude comments or insults will make it less likely that your message will find a sympathetic ear. Always thank the person for taking the time to read your letter.

**Make it clear that you expect a reply.** Close your letter with “I look forward to receiving your response.”

**Applying the Skill**

1. List issues or problems that might warrant a letter to the government or the opposition. Sort these by level of government and responsibility, and then identify the office holder in each to whom you would address your concern.
2. Pick an issue that is important to you and outline a letter to a newspaper expressing your concern.
3. Summarize a concern in one paragraph that could be included in a letter to a politician. In another paragraph, suggest a solution or strategy that you think might help.
The Controversial Role of Lobbyists

Institutions and groups also use lobbyists to deal with lawmakers. Lobbyists are people paid to try to influence key decision makers, such as high-level bureaucrats in the public service or politicians. In fact, many professional lobbyists are former high-ranking members of the public service and thus have influential connections.

Paid lobbyists get contracts from the companies or groups they serve. Most public interest groups do fundraising and some get funds from government. While receiving government funds is helpful, it can also limit the actions of the group, as in the case of the National Action Committee on the Status of Women. This lobby group had its funding drastically cut in 1988 after it spoke out against government policies.

Lobbyists and the Public Interest

The danger with lobbying is that insiders can persuade governments to put in place policies that are not necessarily in the public interest. For example, prior to the 1997 enactment of the Tobacco Act that regulated the sales and promotion of tobacco products in Canada, the tobacco company lobby long-fought government efforts to limit advertising for tobacco products. In 1989, a new law required lobbyists to be registered and new guidelines restricted public servants from lobbying for a year after leaving their positions.

Well-funded, highly organized groups with professional lobbyists can have great influence over government policy. But is lobbying democratic? Some critics argue that if pressure groups are too successful, then democracy is put at risk. They argue that if government is influenced too greatly by well-organized minority interest groups, then the wishes of the majority may not be heard—or even sought.

FIGURE 9–4 Alberta oil sands. Environmental lobby groups, including those fighting Alberta oil sands projects, are one of the largest special interest groups in Ottawa. Oil and gas producers form one of the largest industrial lobbying groups.

Thinking Critically What advantages would environmental groups have when lobbying government officials? What advantages would oil and gas lobbyists have? Who do you think will have more influence? Why?
Interest groups and individuals can also use the courts to influence government and effect change, since courts are bound to interpret laws within the context of the Constitution and the Charter of Rights and Freedoms. For example, in 1988 Canada’s law prohibiting abortion was struck down by the Supreme Court in a case backed by a coalition of pro-choice groups. The court ruled that anti-abortion laws violated women’s Charter rights to “life, liberty and security of person.” Court cases, however, can cost a lot of money, and the desired outcome is not guaranteed. Also, while courts can strike down a law, they cannot order that it be replaced by something else. That is up to the government. For those individuals or pressure groups who are hoping to convince the government to create new laws or policies, the best the courts can do is to make governments aware that a new law may be needed.

The Role of the Media

Active citizenship requires you to be aware of the role and power of the media in politics. People often try to get media attention for a cause or to enhance their political profile. Social networking sites such as Facebook have also become a new form of public media. The traditional media (also called mass media)—television, radio, magazines, and newspapers—are still very important. They give politicians and political commentators the chance to establish a presence in people’s lives. Without a media presence, a politician would not have the brand recognition necessary to win people’s votes. The media also provide feedback that lets politicians know how citizens feel about issues and government programs. The media can also frame an issue or debate by focusing on what generates the most public interest.

For politicians, the popular media are both a blessing and a curse. They give candidates very wide exposure, but they also magnify faults the candidates may have or political gaffes that may occur. For this reason, political parties hire media consultants, or spin doctors, to coach candidates on what to say and make sure they look good in the media.

The Internet has opened up a whole new area for political contact and publicity. Blogs and other forms of reporting are probably as important today as the mainstream media. Political parties and candidates have Web sites to get their message out and garner support for their campaign. In other times, people voted the same way their families voted, but now many wait until election day to make up their mind. Sometimes the last powerful message carries the day, which is why media experts are so important to political parties.
Civil Disobedience

Citizens can make their voices heard in many ways: with their votes, through individual actions such as letter writing, and by joining pressure groups and using the media. While such actions may not be successful in changing government policies, citizens must have the opportunity to express concerns. Suppose you feel that the actions of the government are unethical or undemocratic. Is it ever acceptable to break the law as a way of protesting government actions?

Civil disobedience is the act of intentionally breaking the law while protesting laws one considers unjust. This form of protest has been used by some of the greatest moral leaders of our time, including Indian political and spiritual leader Mohandas Gandhi, U.S. civil rights activist Martin Luther King Jr., and South-African anti-apartheid activist Nelson Mandela. Both Gandhi and King embraced non-violent civil disobedience in their quest for justice, and both ultimately died for their cause. Mandela resorted to violence only as a last resort after many years of peaceful protests with no progress.

During my lifetime I have dedicated myself to the struggle of the African people. I have fought against white domination and I have fought against black domination. I have cherished the ideal of a democratic and free society in which all persons live together in harmony and with equal opportunities. It is an ideal which I hope to live for and to achieve. But if needs be, it is an ideal for which I am prepared to die.

—Nelson Mandela, 1964

Of course, if everyone in society disobeyed laws with which they disagreed, the result would be chaos. Civil disobedience is warranted only when the law itself causes significant harm. Relatively trivial matters do not merit breaking the law, as the harm to society would be greater than the benefit. As well, those who choose to practise civil disobedience should be willing to face the consequences of their actions. This gives the act of civil disobedience for a good cause great moral authority.

The Three Principles of Civil Disobedience

1. Civil disobedience should not involve violence.
2. Civil disobedience should be directed against laws that are seriously harmful.
3. Civil disobedience requires taking responsibility for one’s actions. Willingness to face punishment shows the strength of one’s beliefs.
Clayoquot Sound: Civil Disobedience in Action

Acts of civil disobedience, including blocking logging roads near Clayoquot Sound, British Columbia, brought the issue of clear-cut logging to the public’s attention in 1993. In response, the provincial government announced a compromise. It would set aside 34 percent of the area as protected lands, and allowed selective and environmentally sensitive logging of another 21 percent. The government claimed that opinion polls showed a majority of the population was in favour of this solution.

However, opposition to logging intensified and resulted in the largest example of civil disobedience in Canadian history. Protesters organized blockade after blockade, holding “sit-downs” in the middle of roads to prevent loggers from entering the forest. Police were forced to drag people away and arrest them, including Aboriginal Elders well-advanced in years. The arrests generated maximum media exposure and worldwide interest. More than 750 people were arrested in the summer of 1993 alone. Most were given warnings, but some received fines of up to $2000 or jail sentences. Since that time, logging practices in the area have been closely monitored and all decisions regarding the clear-cutting of old-growth forests are closely examined.

Thinking Critically
Why would protesters want to be publicly arrested?
How would a totalitarian government deal with such protests?

1. In what ways have traditional media been replaced or changed by new technologies? In your opinion, will new technology help voter awareness and participation? Explain.
2. What are the three basic guidelines for practising civil disobedience? Why are these guidelines an important part of this approach to changing government policies?
3. Why were blockades more effective at Clayoquot Sound than a violent protest might have been?
4. In your opinion, when should civil disobedience be used? Do you think governments have the right to limit civil disobedience? Explain your position.
5. Cause and Consequence With a partner, develop a ten-point strategy for direct political action. Explain how you will use the media to help your cause.

KEY TERMS

ideology political and social principles or beliefs
direct democracy a system in which citizens vote directly on every issue
representative democracy a system in which citizens elect a politician who then makes decisions for them
socialism a political and economic system in which the means of production and distribution in a country are publicly owned and controlled for the benefit of all members of a society
liberalism a political philosophy supporting individual freedoms and governmental protection of civil liberties
Political Ideologies and Parties

Like all modern nations, Canada is governed by one or more political parties. Political parties are a relatively recent invention and no party is more than a few hundred years old. Most are organized around political and social principles—an ideology—that guide them in everything they do. Most of Canada’s political parties believe in a balance between the powers of the state and the rights of the individual. They support some form of capitalism and the kind of parliamentary democracy we currently enjoy.

Democracy: Rule by the People

Canada operates on democratic principles. In Europe, democracy, which means “rule by the people,” was first practised by the ancient Greeks. In the Greek city states, every eligible citizen participated directly by voting on all decisions that affected society. This was called direct democracy. In modern societies, our large populations make this much involvement by each individual impractical. Instead, citizens in representative democracies such as Canada allow elected representatives to make decisions on their behalf.

The main principles of democracy are equality and freedom. All citizens are equal before the law, meaning that everyone is subject to the same laws, and no one is above the law. The rights and freedoms of people living in a democracy are protected by a constitution or other written laws (see Chapter 10). Democracy refers to a very broad form of government, and most countries around the world are democratic. Under the umbrella of democracy, there are various political philosophies, as outlined below.

Socialism

Early socialism was a backlash against the industrial revolution and the resulting capitalist laissez-faire economy. Socialism developed when capitalism was causing great social harm and poverty was widespread. Socialists believe that government should control important parts of the economy and major industries. As you learned in Chapter 4, Canada’s first socialist party, the Co-operative Commonwealth Federation, was formed during the Depression when people were disillusioned with Canada’s capitalist system.

Liberalism

Liberalism began as a political theory that favoured individual freedom above all else. Originally this belief was tied to the right to own property and to the conviction that government should have minimal involvement in the lives of citizens, so as not to infringe on people’s liberty. This focus on property rights lost favour in the late 19th century when it became clear that the growing working class had few, if any, property rights. In the 20th century, liberalism shifted its focus from property and individual rights and evolved into a belief that the government should intervene to regulate the economy. On a social level, liberalism supports government intervention to maintain basic standards of living for all people and to protect the rights of individuals and groups.
**Conservatism**

Conservatism is less of an ideology than a stance taken against change, innovation and reform, and for maintaining established political and social institutions and values. It supports laissez-faire capitalism, or minimal government intervention in the economy. In the late 20th century, many conservatives came to believe that government has a role in encouraging traditional behaviours and they opposed same-sex marriage and abortion, for example. Fiscal conservatives support reductions in government spending and a balanced budget.

**Totalitarianism: Total Control**

Not all political ideologies are based on democratic principles. Totalitarian governments are authoritarian, as opposed to democratic, and control every aspect of life within a country—its culture, religion, government, and economy. These regimes use harsh laws and restrictions on freedom to maintain their power.

**Communism**

Communist ideology is based on the work of Karl Marx and Friedrich Engels, political theorists of the 19th century who believed that the ruling class should be overthrown by the working class. In *The Communist Manifesto*, published in 1848, Marx claimed that capitalism creates a class struggle in which those who own the means of production (the ruling class or bourgeoisie) exploit those who work for them (the proletariat). Marx believed that a proletarian revolution would result in a classless society in which all property would be collectively owned. Communist governments that developed from Marx’s ideology were one-party states, and maintained their power through propaganda, secret police, and government control of its citizens. Until the end of the Cold War, many countries, including the Soviet Union, had communist governments. Today, communist countries include the People’s Republic of China, Cuba, Laos, North Korea, and Vietnam.

**Fascism**

Fascist ideology is about the importance of the state and the responsibility of people to serve it. Fascists believe that a country is an organic community requiring strong leadership, a collective identity, and military strength. Fascist governments emphasize nationalism and militarism; war is glorified and viewed as a means to keep the nation strong. Political opposition or individual freedom is forbidden in fascist states. Fascism was born after the First World War, a period of time that was particularly unstable. It originated in Italy under the leadership of Benito Mussolini. Germany under the Nazis was another fascist state (see Chapter 5).
The Political Spectrum

A political spectrum is a visual used to illustrate how various political ideologies relate to one another. The linear left–right spectrum is the most common (see Figure 9–11), with totalitarian ideologies at the extreme left and right. Socialism is left of centre and commonly referred to as “left wing.” Liberalism is generally considered to be slightly left of centre on the spectrum, with conservatism situated right of centre. Many political theorists believe that the traditional left–right spectrum is too simplistic and have added other axes (see Figure 9–12).

WEB LINK To find your own position on the political spectrum, visit the Pearson Web site.

WEB LINK Read more about Canada’s political parties on the Pearson Web site.

Canadian Politics and Ideology

In Canadian politics today, the major political parties cluster around the centre of the political spectrum. The lines between them are somewhat blurred. You cannot equate the Liberal Party of Canada too closely with liberalism or the Conservative Party of Canada with conservatism. The Liberals adopted some of the progressive social policies of the socialists, such as universal health care and other social programs, place less emphasis on the military, and provide more support for arts and culture.

Conservatives, however, are more likely to support tradition and business interests, such as tax breaks for large corporations. They tend to be nationalistic and pro-military.

The New Democratic Party (NDP) supports social assistance programs and government-funded health care and education, and is against privatization of Crown corporations. Of the major political parties in Canada today, the NDP is the most socialist. The Bloc Québécois is the third-largest party in the House of Commons today. Its main objectives are to protect the...
interests of Québec and to support Québec sovereignty. The Green Party of Canada is devoted to green politics, which focuses on achieving environmental goals through grassroots democracy.

If a shared ideology is a major reason for forming and maintaining a political party, how do Canada’s major parties differ? The best way to understand a party’s ideology is to look at its stated positions on important issues. What political parties state in their election platforms about these issues helps us to understand their ideology.

**Party Platforms**

A *party platform* is a list of priorities and a plan for governing published by a political party. This platform helps the public to understand what the party stands for and it reminds party members about goals and core beliefs. In the 2008 election campaign, the Liberals promised to encourage a green economy and reduce the number of people living below the poverty line by 30 percent. Conservatives promised to lower both the Goods and Services Tax (GST) and taxes paid by lower-income families and seniors, and to establish sovereignty over the Arctic. The New Democratic Party also promised a new green energy economy and to train and hire more doctors and nurses. On the environment, all parties promised new greenhouse gas emissions targets. Other federal political parties, such as the Bloc Québécois and the Green Party, also included statements about these issues in their platforms.
**Party Membership**
Many people join political parties because they believe strongly in the ideology of the party and share values with members of the party. Others want to serve the public and bring about change. Still others are attracted to the power and influence that politics generates. Perhaps the real question is, But why do so few people—only about two percent of the population—join political parties? Individuals are far more likely to seek change by participating in a special interest group or a non-governmental organization (NGO) than by joining a party. Even so, joining a party and becoming involved in the political process is also a very effective way of gaining a voice on issues.

**Party Politics and Accountability**
As in all modern democracies, Canada’s political parties dominate government and there is little room for independent politicians. For this reason, those interested in political life usually decide which party they want to join, and which ideology they feel comfortable with. Parties have their own power structures, with the leader at the top. The strength of a party and its leader help it win elections and form governments. But this also makes it difficult sometimes, for party members to know whether their first loyalty lies with the party or with the people. For this reason, citizens must be vigilant. Once a party is in power, it is very difficult to keep it accountable. Strong leadership and good party discipline, the very qualities that help it win power, help the party stay in power. The prime minister or premier also has great executive power, and the advantage of the rules and procedures of parliament, that can also make the governing party less accountable.

**Patronage**
Patronage refers to the giving, by premiers and prime ministers particularly, of offices and rewards in return for loyalty or favours to the party. Although opposition parties always criticize patronage and promise to avoid it if they form the government, the practice continues. A large part of government is deal making, and it is very difficult to make deals with others if you have nothing to offer in return. Also, powerful party members need to be rewarded and appeased. A prime minister has a lot to offer in the way of patronage, such as Senate seats, ambassadorships, and committee chairpersonships. In some cases, patronage serves more than one purpose. For example, appointing a long-time party supporter to the Senate not only rewards the supporter but also adds to the number of senators loyal to the party, which makes implementing policies easier.

**KEY TERMS**
- Québec sovereignty a movement advocating that Québec separate from the rest of Canada and become a country of its own
- libertarianism a political ideology that supports maximum individual freedom and minimal government involvement in the lives of its citizens
- party platform a list of priorities and a plan for governing published by a political party
- non-governmental organizations (NGOs) local, national, or international groups that work independently of government on issues such as health, the environment, or human rights
- patronage a favour, often a government position, given in return for political support

**FIGURE 9–14** NGOs such as Right to Play, Oxfam, and World Wildlife Fund are non-profit organizations that work to change unfair laws or policies or to better people’s lives.
B.C. Politics

Politics in British Columbia has always been intense and proceedings in the legislature are very combative. Populism—a style of politics that pits the people against the elite—has always been important in B.C. Also, at least within the past 50 years, B.C. politics has been polarized. Two parties on opposite sides of the political spectrum, the socialist NDP and the “free enterprise” party represented first by the Social Credit Party and, later, by the B.C. Liberals, have alternated in power. The members of both parties are intensely partisan and there often seems to be little room for compromise. Although other parties exist, it has proved extremely difficult for them to make inroads because many people think that voting for a minor party is, in essence, throwing away a vote. Although the Green Party—the largest of the other parties—has increased its presence and fielded strong candidates, it has, at time of writing, yet to seriously contest a riding.


PRACTICE QUESTIONS

1. What characteristics place fascism and communism on the extreme ends of the political spectrum?
2. List Canada’s main political parties. What are their main policies and priorities? State where each party is located on the political spectrum.
3. Why do political parties that are in the middle of the political spectrum do better in elections?
4. Explain the term patronage. Why is it controversial?
5. Patterns and Change Which socialist ideas of the 1930s and 1940s do all parties now consider essential social services?

KEY TERMS

populism a political movement that advocates the interests of ordinary people
elite a group of people who hold power
polarize to go in opposite directions
partisan loyal to a party or cause
Canadians regularly revisit the issue of Senate reform. Some claim that the Senate should be abolished altogether, since patronage has weakened its original purpose and lowered its prestige. Many people feel that Senate positions have been given to people who are not necessarily best qualified for the position. Given that a senator’s role is to give legislation “sober second thought,” the assumption is that he or she is qualified to do so. Senators should be exemplary and highly experienced individuals capable of examining legislation in detail and holding the government to account.

Some appointments seem to revive the idea that senators ought to be exceptional citizens with a lot to offer the country. This is the case with Roméo Dallaire, a former general who led the United Nations force during the Rwandan genocide in 1994 and later wrote about the tragedy in his book *Shake Hands with the Devil*.

Rwanda will never ever leave me. It’s in the pores of my body. My soul is in those hills, my spirit with the spirits of all those people who were slaughtered and killed that I know of and many that I didn’t know… Fifty to sixty thousand people walking in the rain and the mud to escape being killed, and seeing a person there beside the road dying. We saw lots of them dying. And lots of those eyes still haunt me, angry eyes or innocent eyes, no laughing eyes but the worst eyes that haunt me are the eyes of those people who were totally bewildered. They’re looking at me with my blue beret, and they’re saying, “What in the hell happened? We were moving towards peace. You were there as the guarantor”—their interpretation—“of the mandate. How come I’m dying here? Those eyes dominated and they’re absolutely right. How come I failed? How come my mission failed? How come as the commander who has the total responsibility—We learn that, it’s ingrained in us, because when we take responsibility it means the responsibility of life and death, of humans that we love.

Deeply affected by the experience of the genocide and the failure of UN peacekeeping, Dallaire is now a human rights activist, speaking out on issues such as genocide and child soldiers. Dallaire has also been a senior civil servant and has received a number of honorary degrees and prizes. General Dallaire was appointed to the Senate as a Liberal in 2005 by Prime Minister Paul Martin.

1. In what ways does Roméo Dallaire represent the ideal senator?

2. In your opinion, does the appointment of Senator Dallaire, or other prominent citizens, make reform or abolition of the Senate less of an issue? Explain.

3. Outline your own view of what should, or should not, happen to the Senate.
A Guide to Government

Active citizens need to know how governments operate. As you know, Canada’s government operates as a federal system—an organization of provincial governments each acting on behalf of its own residents, with a central government in Ottawa responsible for matters vital to the nation as a whole. There are also municipal governments and Aboriginal governments. Knowing which level of government is responsible for a particular matter is very important. Federal and provincial governments also have legislative, executive, and judicial branches and bureaucracies to carry out the policies and responsibilities of government.

The executive and legislative branches of the federal government make and administer the laws and regulations of the country, and the judicial branch administers the courts and interprets and enforces the law. The provinces have the same branches of government, with similar powers and responsibilities over those areas for which they have jurisdiction.

WEB LINK
For more information on Canada’s Parliament, visit the Pearson Web site.

FIGURE 9–16 Structure of the federal government of Canada

KEY TERMS

Senate: the second legislative body in Parliament consisting of appointed members whose role is to give sober second thought to the passage of bills

Cabinet: the group of ministers chosen by the prime minister who decide government policy; each Cabinet minister has a responsibility for a particular department

House of Commons: the first legislative body of Parliament whose members are elected

WEB LINK
For more information on Canada’s Parliament, visit the Pearson Web site.
What Government Does

In general, we expect government to do things that keep Canada safe, prosperous, and strong. Beyond these basics, Canadians are often divided about how much of a role government ought to play in our lives. Think back to what you learned about ideology. Political parties often identify themselves by describing what they think government should do, and what the relationship between citizens and government ought to be. Usually this means that they think government should do more, including enhancing social services, or less. They also have plans for spending and taxation. In Canada, parties to the right of centre want less government involvement and lower taxes, while those on the left want more government involvement and think that taxes should pay for needed services.

Taxes and Spending

It is always important to know how much government takes in taxes, its methods and sources, and the ways it spends the money it collects. Federal and provincial governments collect corporate taxes, income taxes, *ad valorem* taxes such as the HST, *excise* taxes such as taxes on alcohol and gas, payroll taxes, and fees on services, which some people think are also a form of taxation. Municipalities rely mostly on property taxes. In Canada, income taxes are graduated—how much a person pays relates to income level. The amount governments take in taxes seldom matches the amount they spend. When a government takes in more than it spends, it has a surplus; when it takes in less, it runs a deficit. When the deficit increases beyond what a government can repay easily, it borrows money and adds to its debt, on which it pays interest. Money is the lifeblood of government and knowing where it comes from and where it goes is very important to the citizens who, by and large, supply it.

How Government Works

The actual work of government is carried out by the civil service, also called the bureaucracy. Ideally, the civil service is non-political. Civil servants are organized into ministries, each headed by a minister who, in turn, relies on a deputy minister to oversee the administration of the ministry’s work. The government will also have an information office, which will review anything bureaucrats want to report to the public and answer controversial queries. When a citizen has a complaint and writes to the government about it, or when the Opposition has a question, bureaucrats supply the answer. Typically, a response will begin with someone low down in the hierarchy of a ministry, be “signed off” by superiors, and end up with the minister who will answer the question.

**KEY TERMS**

- *ad valorem* tax: a tax that is proportional to the value of goods
- *excise* tax: an added tax on certain goods produced or sold in the country, for example, alcohol, gas, and tobacco
- surplus: the amount of money remaining when a government takes in more than it spends
- deficit: the amount of money a government owes when it takes in less money than it spends
- civil service: the body of people who work in government administration
- bureaucracy: officials and administrators who carry out the work of government

**FIGURE 9–17** The British Columbia legislative buildings. Like all provinces, British Columbia has a parliament, usually called a legislature, where government ministers have their offices. Bureaucrats in their ministries occupy buildings in cities and towns throughout the province.

**THINKING CRITICALLY** Do you think government services should be centralized in major centres, or located close to where services are needed? Why?
Political parties are fundamental to our parliamentary system, and much of what happens in government relates to party politics. Many of the things done by the party with the mandate (the right to form a government) help the party to keep that mandate. The government party leader at the federal level, the prime minister, has enormous executive power that, in principle, he or she shares with Cabinet. Neither the prime minister nor the Cabinet are directly chosen by the people. Committees play a very important role too, as does the Office of the Prime Minister (PMO) and the Privy Council Office (PCO).

**The Executive Branch: Consolidating Power**

The prime minister, or premier in the provinces, is the chief minister of the Crown and the head of the Cabinet. Together, the prime minister and Cabinet form the executive branch of government. In practice, due to tradition, the prime minister has considerable powers. The prime minister can choose and discipline Cabinet members, directs the activities of the legislature, has the right to be consulted on all important Cabinet decisions, controls appointments to the Senate and to the judiciary, and can recommend that Parliament be adjourned or dissolved and an election called. Publicly, Cabinet ministers must display full support for the prime minister and the decisions of the government. This show of strength is called Cabinet solidarity.

The Cabinet initiates laws, and its ministers are responsible for the smooth running of government and the spending of public money. Usually, but not always, Cabinet ministers are part of the governing party and have a seat in the House of Commons. Members of Cabinet are chosen by the prime minister and are called ministers. Each is responsible for a department of the government, called a portfolio. We have a Minister of Fisheries and Oceans, a Minister of Justice, a Minister of Foreign Affairs, and so on. Once appointed, the minister is held responsible for everything that happens in his or her department. This is called ministerial responsibility, and the minister is expected to resign if certain serious breaches of office take place. The minister introduces new legislation pertaining to the ministry and guides it through the House.

**The PMO and the PCO**

In the past, the Cabinet was the most powerful part of the federal government next to the prime minister. This has changed as the executive power of the prime minister has grown. The Office of the Prime Minister consists of the prime minister’s political advisors and staffers. The Privy Council Office is used by the prime minister to set the agenda for Cabinet meetings and to organize its work. Both the PMO and the PCO are at the service of the prime minister and are staffed by his or her appointed and unelected officials. Some think that these two bodies have too much power.
Orders-in-Council

Orders-in-Council make laws or regulations without the necessity of a parliamentary vote. At the federal level, they are signed by the Governor General on the advice of the prime minister and Cabinet. Orders-in-Council are used for Senate appointments, for necessary changes in law, and in the case of real or perceived emergencies. Although they may seem undemocratic, Orders-in-Council are part of parliamentary tradition, and governments are generally wise to use the power sparingly.

![House of Commons floor plan](image)

5. Prime Minister  12. The Bar  20. Members’ Gallery
8. Clerk and Table Officers  15. Public Gallery  23. TV Cameras

**FIGURE 9–19** House of Commons floor plan

<table>
<thead>
<tr>
<th>PRACTICE QUESTIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Create a three-column chart showing the three branches of government. For each branch, list the positions and their roles.</td>
</tr>
<tr>
<td>2. How does the government pay for its programs?</td>
</tr>
<tr>
<td>3. Explain the role of the civil service.</td>
</tr>
<tr>
<td>4. What are the responsibilities of Cabinet ministers?</td>
</tr>
<tr>
<td>5. Explain the term <em>Order-in-Council</em>. Why is it seen as being undemocratic?</td>
</tr>
</tbody>
</table>
Passing Legislation

One of the most significant tasks of parliament is making and passing laws. A bill becomes law in the federal parliament after it goes through three readings in the House of Commons, is amended by a committee, has three readings in the Senate, is signed by the Governor General (referred to as royal assent), and is proclaimed. Bills introduced in the provincial legislature must also undergo three readings and are passed into law by the Lieutenant-Governor who represents the monarch in the provincial executive.

KEY TERMS

- royal assent: the final stage a bill must complete before it is passed into law in which the Governor General (or Lieutenant-Governor in the provinces) signs or grants approval for the bill
- Lieutenant-Governor: the provincial representative of the Crown appointed by the Governor General
- party whip: a member of the legislature assigned the specific role of ensuring all members of his or her party are present in the legislature to support party interests
- party discipline: all party members voting the same way, as one voice
- free vote: members voting according to their own conscience
- backbenchers: members of a legislature who are not Cabinet ministers, party leaders, or opposition critics
- private member’s bill: a bill introduced into the legislature by a member of the legislature who is not a member of the Cabinet

First Reading
The bill is introduced to the House of Commons, then printed and distributed to Members of Parliament. The bill is not debated at this stage.

Second Reading
The principle and purpose of the bill is debated in the House.

Report Stage
Committee members report back to the House. The House reviews amendments to the bill.

Committee Stage
A committee examines the bill clause by clause. It may make amendments to the bill.

Third Reading
MPs have a final opportunity to review and amend the bill.

Senate
The bill is sent to the Senate where it follows a similar process. If it is a provincial bill, this stage is skipped.

Royal Assent
The Governor General of Canada gives the bill royal assent, meaning that it becomes law. If it is a provincial or territorial bill, the Lieutenant-Governor of the province or territory grants royal assent.

FIGURE 9–20 How a bill becomes a law

Thinking Critically Why are there so many steps in the process of making laws? Why do we use such a lengthy process?
**Party Loyalty and Party Discipline**

Parties make sure their members vote as the party wishes in the legislature. Often they do this through the whip system. The *party whip* makes sure that members of his or her party are in the House of Commons (or legislature in the provinces) for important votes and vote as the party requires. This almost always guarantees that MPs (and MPPs and MLAs at the provincial level) vote as part of a block. In the past, some parties have campaigned against this and promised not to follow the tradition—notably the Progressive Party in the early part of the 20th century and later the Reform Party. Unfortunately for such parties, lack of *party discipline* seriously weakens them and they either break up or change. Whips have various ways to enforce discipline, but mostly they persuade their fellow party members to put the interests of the party first. The party leader, especially as prime minister, has the greatest disciplinary powers.

**Free Votes and Private Members’ Bills**

Some parliamentary procedures seem, on the surface, to be more democratic than others. For example, *free votes* allow members to vote on legislation according to their own conscience, but party leadership will only allow a free vote if it is in the interest of the party for this to happen. For example, in 1987, Prime Minister Brian Mulroney allowed a free vote on reintroducing capital punishment. Mulroney, knowing that a free vote would fail anyway, apparently used it to placate Conservative *backbenchers* who were pressuring the government on the issue.

Most bills are introduced by Cabinet ministers. At the federal level, any member of the House of Commons or the Senate may introduce a bill. If the member is not in the Cabinet, the bill is referred to as a *private member’s bill*. Many private members’ bills do not get passed. Passing a law requires a great deal of party support, which is rarely the case for a private member’s bill. Some federal private members’ bills passed in 2008 include an Act respecting a National Peacekeepers’ Day, an Act to protect heritage lighthouses, and an Act to increase the criminal penalty for animal cruelty.

*Figure 9–21* NDP MP Peter Stoffer is known as the King of the Private Member’s Bill. In 2009, he introduced a total of 24 bills to the House, including one to remove the GST from funeral costs and another to designate April 6 as Tartan Day. Stoffer states, “If I do have to introduce them to the end of time, that means I’m going to be a very old MP.”

**PRACTICE QUESTIONS**

1. At which stage of passing a bill is it most heavily debated?
2. How do political parties ensure support among their members?
3. When might free votes occur in the House of Commons?
4. Why are private members’ bills seldom passed?
Minority Governments: Advantages and Disadvantages

The first goal of a political party is to gain power and the second is to keep it. When a party wins a general election and becomes a majority government, hanging onto power is much easier since the party holds more than half the total number of seats in the House of Commons. A majority government can implement its policies and can govern without much compromise. But parties do not always win majorities. Minority governments have to compromise to stay in power.

A minority government is one in which the governing party has more seats than any other party, but the other parties combined have more seats than the government. When this happens, the governing party has to be careful not to introduce legislation that will not pass. Votes on budgets and other money bills are votes of confidence and the government traditionally resigns when it loses such a vote. Canada has had a number of minority governments and some people think they are more democratic than majority governments because they are more responsive to the public. However, a party in minority cannot fully implement its policies or make important changes because to do so would risk defeat. Minority governments tend to maintain the status quo even if change would be better for the country.

Coalitions and Mergers

Ideally, a political party has a platform that represents the pure political views of its members and never compromises these views. In reality, sticking to principles can mean that the party never forms a government, or even becomes significant in opposition. Sometimes, several small parties oppose the government but, individually, none is strong enough to threaten it. When this occurs, parties have two options: they can form a coalition in which each party maintains its identity, or they can merge and become a new political party. Canada has had coalition governments in the past, as in the First World War. Parties also merge. In 2003, the Canadian Alliance merged with the Progressive Conservative Party of Canada to form the Conservative Party of Canada, with Stephen Harper as its first leader.
Proroguing Parliament

To prorogue Parliament means to suspend it for a period of time until the opening of another session. Members are released from their duties until the next session of Parliament begins. All bills, other than private members’ bills, are dropped from the agenda and all committees are dissolved. A government can use prorogation to get itself out of a jam on a particular issue, to kill legislation it has problems with, to shuffle the membership of committees, and to otherwise keep itself in power. Although it is a legitimate use of parliamentary procedure, proroguing often seems undemocratic. Nevertheless, it is part of the gamesmanship of parliament and all governments will use it if it helps them stay in power. Liberal Prime Minister Jean Chrétien prorogued Parliament four times from 1996 to 2003, the last time to allow a new Liberal Party leader, Paul Martin, to be appointed prime minister. The opposition, however, suggested it was done to avoid a sponsorship scandal.

Dissolution

A parliament ends when the Governor General (or Lieutenant-Governor in the provinces) dissolves it, which is always done at the prime minister’s (or premier’s) request. This happens when the government loses a vote of non-confidence or when the prime minister wishes to call a general election. The ability to ask for dissolution, and thus call an election, at a time of its choosing gives the governing party the huge advantage of being able to avoid elections when it is weak and to hold them when it is strong. The prime minister can also use the threat of an election to discipline backbenchers who are rebelling against his or her leadership. In any case, once a parliament is dissolved, an election campaign officially starts.

Practice Questions

1. Define majority and minority governments. Describe the benefits and challenges for each of these types of governments.

2. Explain the term prorogue. Why is it seen as undemocratic?

3. Under what circumstances might Parliament be dissolved?

Figure 9–23 Citizens protest Prime Minister Harper’s proroguing of Parliament, January 2010. The government claimed it needed time to consult with Canadians on their economic action plan. Opposition parties claimed the prorogation was undemocratic, and that the prime minister was using it to avoid dealing with difficult issues.
Can citizens have more input in the processes of government?

In our parliamentary system, new policies and laws originate within the caucus of the governing political party and the Cabinet. In other words, relatively few people set the country’s agenda during the government’s time in office. This is reasonable when electors know and understand the platform of the governing party. They, in a sense, have given approval for its policies by electing it. What happens when policies or new initiatives are introduced without consulting the public? Or when the party that won the most seats, but not a majority of the popular vote, takes power? Should citizens then have more input into government? Or would this be counter-productive and make government more difficult?

Earlier in this chapter, you learned about ways to provide feedback to your government representative. But expressing an opinion is different than having a direct say in what happens in government. Does it make sense to give people a more direct say in decision making?

Would it help if parties allowed more free votes so that legislators could vote as their constituents directed? In practice, parties rarely allow free votes. Former NDP MLA Dennis Streifel in British Columbia once suggested that the public should be allowed to participate in question period, and that new legislation be publicly debated before it is even introduced.

Referendums and Minority Rights

In theory, using a referendum seems like a very democratic way to involve the general public in decision-making. In fact, governments hold very few referendums, since they can cost millions of dollars and voters usually have to respond with a simple “yes” or “no” to complex issues. Also, while it might be fair to ask all people in the country to approve or reject some measure that affects everyone more or less equally, is the same true for measures that deal with minority rights? What happens when a referendum is based on minority rights?

In 2002, British Columbia held a referendum on eight principles designed to guide the Liberal government in Aboriginal treaty negotiations. People voted either yes or no for each principle.

Aboriginal leaders and other critics protested that the referendum questions were simplistic and misleading, and that the voting process was too complicated. More than 80 percent voted yes to all eight principles, which the government promised to use to guide it in treaty negotiations. Many Aboriginal peoples, who represent less than 5 percent of the population of the province and could not possibly carry the vote, boycotted the process.

More input into government means more direct democracy, which requires people to accept their responsibilities as active citizens. This means actively learning about legislation and policy and about how government operates. Would this happen? Only two percent of people actually join political parties and a large sector of the population does not even vote in elections. Voter apathy has important ramifications. When large numbers of voters do not participate, the influence of those that do is magnified. The issue of increasing citizen input into the processes of government is complicated and it is debatable whether it is desirable.

Analyzing the Issue

1. Create an organizer to show the pros and cons of each of the reforms suggested.
2. a) Should the general public be able to participate during question period? Why or why not? 
   b) Draw up a plan for allowing citizens to participate in question period. Consider, for example, who would choose the questions, how many citizen questions would be asked, and if the government would be made aware of the questions beforehand.
3. Do you think that citizens should have more say in deciding government policy? Consider the pros and cons and explain your answer.
4. Why are so few referendums held?
5. Was the 2002 referendum on B.C. treaty negotiations fair or unfair? Explain. Why might such a referendum cause anger among minority groups?
Choosing the Government

As you saw in Figure 9–16, the federal Parliament of Canada consists of the Senate and the House of Commons. Members of the Senate are appointed by the Governor General on the recommendation of the prime minister. Members of the House of Commons are elected by citizens in general elections. Representation in the House of Commons is based on geographical divisions known as electoral districts, commonly called ridings or constituencies. Since Canada’s population is spread over an immense area, some electoral districts are very large and sparsely populated. Nunavut is a good example, covering 2 million square kilometres and serving approximately 29,000 people. Papineau in Québec, Canada’s smallest riding, covers only nine square kilometres and serves a population of almost 104,000.

Election Basics

The Chief Electoral Officer is an independent officer of Parliament who is responsible for managing federal elections and referendums in Canada. Elections are held at least every five years for federal and provincial parliaments. In British Columbia, election days are set for every four years and municipal elections are held on the same day every three years. All Canadian citizens over 18 years of age are eligible to cast a ballot in an election.

Voting in elections is how citizens choose the government. Provincial voter participation varies from election to election and from province to province. Participation in municipal elections also varies considerably, but is usually lower than in provincial or federal elections. Depending on the size of the municipality and the election issues, voter turnout can range from 20 to 70 percent.

Those who choose not to vote make the votes of others more important. Some see that not voting means that one has no right to criticize the policies or conduct of the ruling party. Certainly, it is less likely that whoever forms the government will share one’s views if one does not vote for the candidate who does. In some elections, fewer than half of eligible voters cast a ballot. The successful candidate may represent the views of a minority of eligible voters. Low voter turnout or voter apathy is a real problem for Canadian democracy (see Case Study on page 318).

Party Mechanics

Political parties regularly hold conventions to discuss the party platform and other important issues, such as the need to pick or change a party leader. Traditionally, leadership races were held at conventions and generated a lot of publicity for the party. Currently all parties have adopted a “one-member, one-vote” system to choose a new party leader, which means that each registered member of the party has one vote, thereby having a direct say in who will lead their party. The winning candidate must receive a majority of votes, either through multiple ballots or a preferential ballot.
Choosing Candidates

Political parties always wish to pick the best candidates to run in elections. Whether the chosen person can win the riding or constituency is important but there are other qualities to consider. The person must be loyal to the party and be able to take on the responsibilities of an elected member, perhaps even of a Cabinet minister. In addition, the person should not be an embarrassment or have a personal history that might harm the party.

Parties have their own ways and criteria for choosing candidates. Sometimes leaders personally choose the candidate to run in a riding. Others are chosen by riding associations. Since the person’s nomination papers must have the leader’s signature, all candidates must be acceptable to the party leadership. Becoming a candidate gives a person an opportunity to become a member of the federal parliament or the provincial legislature. When a party has held a riding for a long time, election of its candidate is somewhat guaranteed. It may be very difficult for other parties to get elected in that riding. Why, then, do people run when they are likely to lose?

Sometimes, it is a matter of political presence. The candidate hopes to show, through effort and loyalty, that he or she has a place in the party. This allows the person to gradually build a reputation and gain influence.

Most of the major political parties have special youth wings that allow young people under 18 to have input into policies and future directions for the party. Youth wings often have considerable influence over party policies, because they ensure the party’s survival in the future.

Articulating the Party Platform

A political party crafts its platform very carefully as it contains the party’s central message in an election campaign. The platform tells voters what to expect if the party is elected and outlines its political philosophy. There is no guarantee, voters realize, that the party’s platform will be realized should it gain power. But the platform is important as a statement of intent. Candidates and party spokespeople must know the platform by heart and be consistent with its message, even if they do not agree with some features. Parties also employ spin doctors who make sure news that is bad for the party is “spun” in the media so that it seems less important or misunderstood.
Public Opinion Polls

During elections, parties and others poll public opinion, and the media report the results. Parties allocate a small percentage of their campaign budget to polling. Polling companies contact people from a statistical cross-section of the population that represents the views and opinions of voters. Pollsters ask about candidates, party leaders, party positions and statements, the issues, and other things. Then they tabulate and interpret the results, which they give to party strategists. Campaign organizers will often change candidate speeches, ads and commercials, debate responses, blogs, and even the candidate’s appearance to reflect what they have learned from the polls.

Public opinion polls published during election campaigns can affect voter choices. Voters may believe their vote is unnecessary, even wasted, if one party seems to have a large lead just prior to an election. Or they may switch their vote to be with the winner. For this reason, the results of public opinion polls cannot be published or broadcast on election day.

Election Campaigns

The prime minister calls an election by asking the Governor General to dissolve Parliament. This is usually done near the end of his or her five-year term when public opinion polls show that the ruling party is popular, but there are strategic reasons to consider as well. In 2000, Prime Minister Jean Chrétien called an election less than three and a half years into his term—before the new, untired leader of the Canadian Alliance Party, Stephen Harper, could garner wide public support. Where possible, a party will look for a chance to split the vote that might go to a rival. For example, many of the people who support the Green Party might also support the NDP. It is therefore in the interests of the B.C. Liberals, for example, to provide an issue that will polarize the vote for these parties, while not affecting its own core vote.

Most candidates in federal and provincial elections are members of political parties, although some run as independents. A candidate needs money and plenty of volunteers to run an election campaign. Citizens often become actively involved at this stage, answering phones, distributing campaign literature, putting up signs, canvassing for support from door to door, driving voters to polling stations, and raising money.

Political parties usually pay for their campaigns with donations from individuals. Campaigning costs are high. Some candidates have lots of money to spend, while others do not. This can distort the election process, giving an advantage to the candidate who can pay for an image or presentation that attracts voters. Some believe that expensive advertising and other campaign tactics divert attention from real issues and problems, which are glossed over or ignored.
The Voting Process

Polling stations have nothing to do with voter opinion polls. They are the places where citizens in a riding cast their ballots on election day. (People who are unable to vote on election day may cast their ballots earlier at advance polls.) Polling stations are often in schools or public buildings. Voting is not complicated. When you arrive at a polling station, your name is crossed off the voters list and you are given a ballot. Voting, putting an X in the circle beside the candidate’s name on the ballot, takes place behind a privacy screen. No campaign signs or literature are allowed at or around the polling station. When the polls close, electoral officers count the votes. The candidate with the most votes in a riding wins the riding and a seat in the legislature.

What happens when a seat is vacated in the middle of a legislative session, for example, if a Member of Parliament passes away? A smaller by-election is held to fill the vacant seat.

Voter Apathy

One of the most worrying trends in Western democracies is that voter apathy, the reluctance of people to vote, is increasing. Voter turnout has also declined in France, Britain, the United States, and other countries. Even in the 2008 election in the United States that brought Barack Obama to power, only about 60 percent of the population voted. In Canada, voter turnout has declined from around 75 percent in 1988 to around 59 percent in 2008. The problem is even greater in British Columbia where the voting rate is only 50 percent (2009). The causes of voter apathy are not well understood, but it is a serious problem for democracy. In Canada, as in other countries, the relationship between age and interest level seems to be a factor, as the following chart shows.

<table>
<thead>
<tr>
<th>Importance of reason for not voting (% very or fairly important)</th>
<th>88+</th>
<th>58–67</th>
<th>48–57</th>
<th>38–47</th>
<th>30–37</th>
<th>25–29</th>
<th>21–24</th>
<th>18–20</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Just not interested</td>
<td>31.4</td>
<td>34.0</td>
<td>46.4</td>
<td>50.6</td>
<td>51.8</td>
<td>59.3</td>
<td>57.0</td>
<td>59.1</td>
<td>52.9</td>
</tr>
<tr>
<td>Didn’t like parties/candidates</td>
<td>41.7</td>
<td>40.8</td>
<td>56.0</td>
<td>50.9</td>
<td>46.9</td>
<td>43.2</td>
<td>50.7</td>
<td>45.3</td>
<td>47.6</td>
</tr>
<tr>
<td>Vote wouldn’t matter</td>
<td>30.6</td>
<td>37.5</td>
<td>47.1</td>
<td>37.9</td>
<td>41.1</td>
<td>36.7</td>
<td>34.3</td>
<td>30.4</td>
<td>37.1</td>
</tr>
<tr>
<td>Didn’t care about issues</td>
<td>42.9</td>
<td>28.0</td>
<td>35.7</td>
<td>37.3</td>
<td>36.6</td>
<td>32.8</td>
<td>37.7</td>
<td>36.5</td>
<td>36.0</td>
</tr>
<tr>
<td>Busy with work</td>
<td>16.7</td>
<td>14.3</td>
<td>16.5</td>
<td>24.8</td>
<td>36.9</td>
<td>33.9</td>
<td>38.6</td>
<td>40.9</td>
<td>32.2</td>
</tr>
<tr>
<td>Out of town</td>
<td>19.4</td>
<td>34.7</td>
<td>16.7</td>
<td>19.3</td>
<td>18.3</td>
<td>21.5</td>
<td>25.1</td>
<td>24.8</td>
<td>21.8</td>
</tr>
<tr>
<td>Didn’t know where or when</td>
<td>28.6</td>
<td>12.2</td>
<td>12.9</td>
<td>9.4</td>
<td>19.2</td>
<td>24.4</td>
<td>28.5</td>
<td>28.4</td>
<td>21.1</td>
</tr>
<tr>
<td>Not on the list</td>
<td>25.7</td>
<td>16.3</td>
<td>15.5</td>
<td>16.8</td>
<td>16.0</td>
<td>20.3</td>
<td>18.4</td>
<td>24.2</td>
<td>18.7</td>
</tr>
<tr>
<td>Too many elections</td>
<td>26.2</td>
<td>24.5</td>
<td>20.0</td>
<td>18.5</td>
<td>21.4</td>
<td>16.5</td>
<td>13.0</td>
<td>9.5</td>
<td>17.3</td>
</tr>
<tr>
<td>Illness</td>
<td>41.7</td>
<td>20.4</td>
<td>11.9</td>
<td>11.8</td>
<td>8.5</td>
<td>10.7</td>
<td>9.2</td>
<td>10.8</td>
<td>11.7</td>
</tr>
</tbody>
</table>

FIGURE 9–27 Reasons for not voting in a federal election, by age group
FPTP Versus STV

Canadian elections are decided by the first-past-the-post (FPTP) system. The winner does not necessarily have to win a majority of the votes cast; he or she simply has to win more votes than any of the other candidates. This system has the virtue of being simple and straightforward. Its supporters also argue that it means there is usually a clear winner of elections and that minority governments do not often happen. However, the result does not always represent the wishes of the majority of voters.

In 2004, the Citizens’ Assembly on Electoral Reform recommended that British Columbia replace FPTP with single transferable vote (STV), which would have allowed a form of proportional representation. That is, parties would gain seats by the proportion of votes they received in a large electoral district rather than having a single party win a riding by simple majority. British Columbians overwhelmingly rejected STV in a referendum in 2009.

KEY TERMS
- polling stations locations where citizens in a riding vote
- advance polls locations where people can vote in advance of election day
- voters list a list of persons eligible to vote
- electoral officers Elections Canada officials who count the votes
- by-election an election held in a riding to fill a vacancy
- first-past-the-post (FPTP) an electoral system in which the candidate who has more votes than any other candidate wins
- single transferable vote (STV) an electoral system in which parties gain seats by the proportion of votes won in large electoral districts

PRACTICE QUESTIONS
1. Do you think the voting age should be lowered to 17? Why or why not?
2. How are constituencies determined?
3. How often are elections held? Be specific.
4. How are candidates selected by their parties?
5. What is meant by the term party platform? Why is it important?
6. Why are public opinion polls valuable to political parties?
7. What is the purpose of election campaigns? How are they funded?
8. Explain the term voter apathy. What are the main reasons people do not vote?
9. Explain the positives and negatives for FPTP and STV.

FAST FORWARD

Electronic Voting

Can technology increase the effectiveness of democracy? Various democratic countries around the world are exploring electronic voting via electronic kiosks, the telephone, or the Internet. In Canada, electronic voting has occurred at both provincial and municipal levels, but not yet at the federal level. Electronic voting has resulted in increased voter participation.

1. What are other advantages of electronic voting? What are some disadvantages?
2. Cause and Consequence How might electronic voting, especially by telephone or on the Internet, change voter participation for different age groups?

FIGURE 9–28

Electronic Voting

Can technology increase the effectiveness of democracy? Various democratic countries around the world are exploring electronic voting via electronic kiosks, the telephone, or the Internet. In Canada, electronic voting has occurred at both provincial and municipal levels, but not yet at the federal level. Electronic voting has resulted in increased voter participation.

1. What are other advantages of electronic voting? What are some disadvantages?
2. Cause and Consequence How might electronic voting, especially by telephone or on the Internet, change voter participation for different age groups?

PEARSON CANADA
Compulsory Voting in Australia

Compulsory voting is, surprisingly, not very controversial in Australia (almost 60 to 70 percent are in favour). Those who oppose it say that compulsory voting denies people their democratic right not to vote, that it penalizes those who cannot find a candidate or party to vote for, that it makes things easy for political parties, and so on. Supporters claim that, among other things, compulsory voting is no more undemocratic than serving on juries or paying taxes, that it makes certain that all parts of the electorate are represented, and that it increases interest in the issues and in politics in general.

How Compulsory Voting Works

By law, Australians over the age of 18 must register to vote. Votes are always held on Saturdays when all voters must attend a polling station and vote in private “without delay.” Since the vote is secret, officials do not check to see whether the ballot is marked correctly or even marked at all. Electors who fail to vote must satisfactorily explain themselves to the Returning Officer or face a $20 fine or be jailed. About five percent of voters either accidentally or deliberately spoil their ballot.

Countries with compulsory voting (CV) that is enforced

<table>
<thead>
<tr>
<th>Country</th>
<th>Country</th>
</tr>
</thead>
<tbody>
<tr>
<td>Argentina</td>
<td>Australia</td>
</tr>
<tr>
<td>Austria</td>
<td>Belgium</td>
</tr>
<tr>
<td>Brazil</td>
<td>Chile</td>
</tr>
<tr>
<td>Cyprus</td>
<td>Ecuador</td>
</tr>
<tr>
<td>Fiji</td>
<td>Greece</td>
</tr>
<tr>
<td>Liechtenstein</td>
<td>Luxembourg</td>
</tr>
<tr>
<td>Mexico</td>
<td>Nauru</td>
</tr>
<tr>
<td>Peru</td>
<td>Singapore</td>
</tr>
<tr>
<td>Switzerland (one canton only)</td>
<td>Turkey</td>
</tr>
<tr>
<td>Uruguay</td>
<td></td>
</tr>
</tbody>
</table>

Countries with compulsory voting that is not enforced

<table>
<thead>
<tr>
<th>Country</th>
<th>Country</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bolivia</td>
<td>Costa Rica</td>
</tr>
<tr>
<td>Dominican Republic</td>
<td>Egypt (male voters only)</td>
</tr>
<tr>
<td>France (Senate only)</td>
<td>Gabon</td>
</tr>
<tr>
<td>Guatemala</td>
<td>Honduras</td>
</tr>
<tr>
<td>Italy</td>
<td>the Netherlands</td>
</tr>
<tr>
<td>Paraguay</td>
<td>Philippines</td>
</tr>
<tr>
<td>Thailand</td>
<td></td>
</tr>
</tbody>
</table>
Looking Further

1. Why do you think some countries with compulsory voting do not enforce the practice?
2. Compare the graphs above. What conclusion can you draw from them?
3. Create a PMI chart on compulsory voting in Canada.
4. People criticize the referendum process because a referendum on issues may result in the “tyranny of the majority.” Should issues be resolved through compulsory voting in referendums? Explain your position.
5. Review Figure 9–27. What were the major reasons for each age group not voting? Do you think that compulsory voting might change their attitudes? Why or why not?
CHAPTER REVIEW

CHAPTER FOCUS QUESTION
How are governments formed in Canada and how can individuals influence government?

To be effective and active citizens, we need to know about ideologies, alternative systems of government, how our own system works, and our role in the process. Democracy works best when groups of people join together to try to achieve certain goals. Understanding how our democracy works and taking part in the process are essential features of active citizenship.

1. Create a mind map for the unit. Use each of the guiding questions as a category for your mind map (see the Chapter 9 opening spread). Your mind map should do the following.
   - Convey a clear central idea. Use graphics, humour, or metaphor to communicate the idea.
   - Show ideas moving out from the central idea from most to least complex. Include images to add visual interest.
   - Use colours to make connections between ideas.
   - Cover all guiding questions and Key Terms and demonstrate your understanding.

Vocabulary Focus

2. Check your knowledge of the Key Terms on page 289 by forming pairs and then writing the terms and their meanings on separate index cards. Shuffle both piles and exchange them with another pair of students. Match the terms with their meanings as quickly as possible and check your results. Reshuffle the cards and hand them on to another team and repeat the exercise until all teams have matched all terms and meanings.

Knowledge and Understanding

3. Why do you think so few people join political parties in Canada? What advice would you give to party organizations to help them recruit members from your age group?
4. Describe the role of the media in the democratic process.
5. Describe how professional lobbyists, pressure groups, and polls influence government.
6. Do you think it is appropriate for lobbyists to do favours or raise money for politicians? Explain.

Critical Thinking

7. You have just formed a new provincial (or federal) party, the Youth Party of British Columbia (or Canada). Develop policy statements covering at least three different areas of government. What issues would you want to see on the political agenda?
8. Make a list of suggestions for increasing voter turnout in federal and provincial elections. How might you persuade students to vote in school elections? Would you use similar or different techniques to promote voter turnout?
9. How might social networking make participating in the democratic process more appealing to youth?
10. Why do you think voters are hesitant to change from the FPTP to STV?

Critical Thinking

11. You may work in small groups to create a graphic organizer, such as a flow chart, with the individual as the focus. Consider important national, provincial, or municipal issues and use the organizer to describe how citizens can take action to address those issues. Consider the role of the media, government, pressure groups, individual citizens, and the private sector.
Evidence

12. Why do you think the majority of Canadian citizens do not make the effort to vote in elections? If this trend continues, what effect might it have on our government?

13. How legitimate is a government that is established when voter turnout is less than 60 percent?

14. How do you think people in non-democratic countries might view Canada’s government?

15. People who live in democracies often criticize governments where citizens’ rights are not respected. In what ways could those countries be critical of Canada and its government selection?

Document Analysis

16. View the cartoon in Figure 9–32 and answer the following questions.

   a) What does the term prorogue mean?

   b) Describe how Prime Minister Harper is being portrayed by the cartoonist. What message is being sent by this portrayal?

   c) Describe the way Canada has been illustrated. Why did the cartoonist choose to show Canada in this way?

   d) Is there evidence of bias on the part of the cartoonist? Provide examples.

   e) Explain the play on words used by the cartoonist.

FIGURE 9–32
 Protecting Human Rights

1941
U.S. President Roosevelt calls for the right of peoples everywhere to four basic freedoms: freedom of speech and expression, freedom of religious worship, freedom from want, and freedom from fear

1945
The United Nations forms with Roosevelt’s four basic freedoms as the basis of its charter

1948
The United Nations adopts the Universal Declaration of Human Rights

1949
Four Geneva Conventions establish rules for the humane treatment of military personnel, prisoners of war, and civilians

GUIDING QUESTIONS

Society & Identity
- How are minority rights protected in the Canadian Charter of Rights and Freedoms?
- How have affirmative action programs affected the workplace and why are they controversial?
- What human rights apply to children?

Politics & Government
- How does the Canadian Charter of Rights and Freedoms protect human rights in Canada?
- Are there any limits to our rights and freedoms?
- What is the significance of the notwithstanding clause?
- What are the fundamental rights and freedoms defined in the Charter?
- How are human rights protected in British Columbia?
- Why is the amending formula important?

Autonomy & World Presence
- What is the role of the United Nations in protecting human rights?
- How does Canada participate in human rights issues?

TIMELINE

1941
U.S. President Roosevelt calls for the right of peoples everywhere to four basic freedoms: freedom of speech and expression, freedom of religious worship, freedom from want, and freedom from fear

1945
The United Nations forms with Roosevelt’s four basic freedoms as the basis of its charter

1948
The United Nations adopts the Universal Declaration of Human Rights

1949
Four Geneva Conventions establish rules for the humane treatment of military personnel, prisoners of war, and civilians
CHAPTER FOCUS QUESTION

What are human rights and how are they protected in Canada?

Living in Canada today, you enjoy the guarantee of rights and freedoms that are denied to people in many countries. It is hard to imagine that these rights and freedoms were not always a part of life in Canada. In previous chapters, you have read about how Aboriginal peoples, women, and minorities in Canada have struggled to achieve their political and civil rights. The ongoing struggle of Aboriginals for self-determination, the fight for women’s suffrage, and the forced internment of Japanese Canadians during the Second World War are part of Canada’s human rights history.

Canada’s laws reflect our common values. As a society, we choose to have laws that protect children, workers on the job, the aged, and minorities. Our laws also recognize and protect basic rights and freedoms. Perhaps most important, we have the right to oppose laws that we feel are unjust and to work to change established laws by legal means.

In this chapter, you will explore human rights and how they are defined by the United Nations. You will learn about Canada’s efforts to guarantee human rights for all its citizens, in particular Aboriginal peoples, women, children, and visible minorities.

Peace, in the sense of the absence of war, is of little value to someone who is dying of hunger or cold. It will not remove the pain of torture inflicted on a prisoner of conscience. It does not comfort those who have lost their loved ones in floods caused by senseless deforestation in a neighboring country. Peace can only last where human rights are respected, where the people are fed, and where individuals and nations are free.

—The Dalai Lama, 1989

KEY TERMS

- Universal Declaration of Human Rights
- Canadian Bill of Rights
- Canadian Charter of Rights and Freedoms
- notwithstanding clause
- democratic rights
- language rights
- fundamental freedoms
- mobility rights
- equality rights
- affirmative action
- minority rights
- legal rights
- amending formula
- employment equity
What Are Human Rights?

The term *human rights* is used so frequently, and in so many different situations, that a simple definition is hard to find. Many believe that human rights are rights that are considered basic to life in any human society. They include the rights to adequate food and shelter and protection from abuses such as torture. But we often use the term *human rights* to describe other rights—such as freedom of speech, thought, expression, and religion, or the political and legal protections outlined in Chapter 9. Other people would add to the list the rights to adequate health care, a basic education, and freedom from economic bondage.

The concept of human rights can vary from culture to culture. In some cultures, women must be completely covered in public and remain separated from men, except in the privacy of their home. Is this an infringement of their human rights? To some people, these cultural practices seem unfair; yet members of this culture would argue that North American society places too much emphasis on the individual and not enough on society as a whole.

Despite these different points of view, many people believe that some moral values are, or should be, universal. These are the foundation for human rights around the world.

The Global Movement for Human Rights

Concern for the protection of human rights became a global issue after the atrocities committed during the Second World War. The timeline below outlines some human rights abuses that have taken place in the last 100 years. These and other atrocities have strengthened the resolve of the United Nations and human rights organizations to protect the basic rights of all people regardless of where they live. This global movement for human rights has become increasingly influential in bringing about change in some countries. For example, pressure from human rights organizations helped end the racist system of *apartheid* in South Africa.

Human rights organizations have also helped expose the issue of child labour in many countries. Even governments have started including human rights abuses as topics for discussion with other governments. Rights groups have pressured successive Canadian governments to link human rights with trade talks, hoping to persuade some of Canada’s trading partners to improve human rights in their countries.

<table>
<thead>
<tr>
<th><strong>TIMELINE</strong></th>
<th>Human Rights Abuses</th>
</tr>
</thead>
<tbody>
<tr>
<td>1870–1996</td>
<td>Indian Act and residential schools, Canada</td>
</tr>
<tr>
<td>1900–1969</td>
<td>Australia’s “Stolen Generation”</td>
</tr>
<tr>
<td>1924–1953</td>
<td>Millions executed or died of starvation in Soviet Union under Stalin</td>
</tr>
<tr>
<td>1939–1945</td>
<td>Holocaust, Europe</td>
</tr>
<tr>
<td>1948–1994</td>
<td>Apartheid, South Africa</td>
</tr>
<tr>
<td>1959–1971</td>
<td>Chinese occupation of Tibet, Bangladesh Liberation War</td>
</tr>
<tr>
<td>1971–1979</td>
<td>Idi Amin’s dictatorship in Uganda</td>
</tr>
<tr>
<td>1973–1990</td>
<td>Pinochet government in Chile</td>
</tr>
</tbody>
</table>
The **Universal Declaration of Human Rights** was proclaimed at the United Nations General Assembly in 1948. The Declaration is based on the belief that “all human beings are born free and equal in dignity and rights.” It condemns the “barbarous acts which have outraged the conscience of mankind,” a reference to the horrors of the Holocaust of the Second World War. This document is significant because it was the first international statement recognizing that all human beings have specific rights and freedoms.

The Declaration was adopted unanimously by UN member states. The Canadian federal and provincial governments have signed and **ratified** the Declaration, and it is now binding on Canada in international law. This means that individuals in Canada can complain to the UN’s Human Rights Committee if they believe the Canadian government is not meeting UN standards.

The United Nations has succeeded in getting most countries to agree with the general principles of the Universal Declaration of Human Rights. Non-governmental organizations (NGOs) have also played a role in promoting acceptance of the UN Declaration in developing countries. Yet, the only power the United Nations has to enforce the provisions of the Declaration is to draw world attention to abuses, putting pressure on offending countries. The Declaration is not part of binding international law. However, its acceptance by most countries around the world gives great moral weight to the fundamental principle that all human beings—rich and poor, strong and weak, male and female, of all races and religions—are to be treated equally, and with respect for their natural worth as human beings.

**FIGURE 10–2** This silhouette contains the entire text of the Universal Declaration of Human Rights.

**Thinking Critically** What is the intended purpose and audience for this poster? How could the poster be more effective at getting its message across to the audience? What title would you give this poster?

<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>1975–1979</td>
<td>Cambodian genocide by Khmer Rouge</td>
</tr>
<tr>
<td>1975–1989</td>
<td>Chinese military crackdown in Tiananmen Square, China</td>
</tr>
<tr>
<td>1991–1999</td>
<td>Civil war in Sierra Leone kills more than 50,000 people, including child soldiers</td>
</tr>
<tr>
<td>1992–1995</td>
<td>Bosnian War</td>
</tr>
<tr>
<td>1994</td>
<td>Rwandan genocide</td>
</tr>
<tr>
<td>1997–1998</td>
<td>Burmese army tortures and kills civilians of Shan State, Myanmar</td>
</tr>
<tr>
<td>1999</td>
<td>Violence against supporters of independence from Indonesia in East Timor</td>
</tr>
<tr>
<td>2004</td>
<td>Darfur genocide</td>
</tr>
</tbody>
</table>
International Courts and Tribunals

Who makes sure that human rights are protected? In 1946, the United Nations established the International Court of Justice (ICJ) at The Hague, Netherlands, to settle disputes between countries based on international law. But this court becomes involved only if both sides agree to ask for its help. The UN also establishes temporary courts, or tribunals, to deal with specific events. Examples of tribunals include the Nuremberg and Tokyo trials, which dealt with atrocities committed during the Second World War in Europe and the Pacific.

During the Cold War, the protection of human rights was left to individual countries and violations often went unpunished. With the end of the Cold War came a renewed effort to bring those who are responsible for gross violations of human rights and humanitarian law to justice. In the 1990s, temporary tribunals were set up to investigate war crimes in Kosovo, part of the former Yugoslavia, and the genocide in Rwanda. International criminal tribunals have also been established to deal with human rights violations in Cambodia, Sierra Leone, Lebanon, and East Timor.

Many agencies, including Amnesty International, called for a permanent international court to deal with human rights abuses. By 2002, 60 countries established a permanent International Criminal Court (ICC) that would have the power to investigate and prosecute individuals, including political leaders, who commit war crimes, genocide, or crimes against humanity. Some countries, such as the United States and China, were against the creation of the ICC. Opponents say they are not willing to let an international body interfere in areas of law affecting their citizens. Despite this opposition, convictions have occurred in various international tribunals established to deal with individual cases.

PRACTICE QUESTIONS

1. In your own words, define the term human rights.

2. Look at the timeline on pages 324–325. How many of these human rights abuses have you heard about? Which did you find the most disturbing? Are you surprised by the number of incidents around the world? Why do you think that we hear more about some atrocities and not others?

3. What is the significance of the Universal Declaration of Human Rights? Why did the members of the United Nations feel it was necessary to prepare the Declaration?

4. What are the problems of enforcing the Declaration?

5. What is the purpose of the ICC? Name a case that has been heard by the court.

KEY TERM

cultural exceptionalism the belief that human values vary by culture and that human rights should be interpreted according to ethnic, cultural, or religious traditions
Are universal standards for human rights possible in a world of diverse cultural and religious beliefs?

As you read earlier, the UN adopted the Universal Declaration of Human Rights (UDHR) in 1948 in response to the atrocities of the Second World War. Since then, it has added conventions to deal with specific issues, such as economic or social rights, genocide, children, and women. Most countries in the UN have signed the UDHR, but not all of them follow its provisions.

UN Diversity

Since 1948, the world and the UN have changed. In 2010 the UN had 192 member states representing diverse cultures and ideas. This diversity has made agreement on human rights difficult, as some of the UDHR’s ideals do not fit with all cultural traditions.

People who object to a universal definition of human rights claim that: rights are specific to a culture; the community comes before individuals; and rights are a matter of national sovereignty. Some people believe that applying universal standards to developing countries hinders their development. They argue that human values vary by cultural perspectives and human rights should be interpreted according to ethnic, cultural, or religious traditions. According to this view, called cultural exceptionalism, human rights are cultural rather than universal. While the condemnation of wide-scale violence or genocide is generally approved, it is harder to deal with human rights violations that fall into the category of cultural practices, such as female genital mutilation (a traditional or religious practice in which the external female genitalia are partially or totally removed).

Tension in a Digital Age

The recent growth of the Internet, blogs, and social networking sites has made society increasingly global and multicultural. Some people embrace the digital revolution and global culture. Others resent its influence and see it as a means of promoting Western culture. For example, men and women can interact openly in Western societies, but this clashes with cultural and religious conventions in some Islamic states where the morality police can arrest a man and woman out in public if they cannot prove they are related.

The West is not immune to cultural exceptionalism. Canada, for example, sees the treatment of Aboriginal peoples as a domestic issue. In 1981, the UN Human Rights Committee found Canada in breach of the International Covenant on Civil and Political Rights over sexual discrimination in the Indian Act. More recently, Canada refused to sign the UN Declaration on the Rights of Indigenous Peoples. The United States also claims exemption from many international treaties in the interests of its national security and human rights covenants. For example, the U.S. and Somalia were the only two countries that did not sign the Convention on the Rights of the Child.

Analyzing the Issue

1. What are the principal problems in having all countries accept the UDHR?
2. To what extent do you think universal human rights can exist in a culturally diverse world?
3. To what degree do you think the communications revolution will help in the acceptance of universal standards for human rights?
Human Rights Legislation in Canada

In Canada, we are governed by a fixed set of laws that apply to all people equally, regardless of their position in society. This *rule of law* helps to protect our rights and prevent those in authority from abusing their power. It also means that police can only charge an individual for a specific offence, and then only by following proper legal procedures.

Before the Second World War, there were few laws to protect human rights apart from some individual property, criminal, and civil laws. Attitudes began to change after 1945, and the rights of minority groups in particular gradually improved. In 1947, Canadians of Chinese and East Indian descent won the right to vote, and Canadians of Japanese origin won this right in 1948. But it was 1960 before Aboriginal peoples on reserves could vote. Even after gaining the right to vote, many Canadians of non-European descent still faced racism and discrimination:

> The postwar trend in Chinatown was for anyone who could afford better accommodation to move out. Like other Canadian families, Chinese families had aspirations to own their own homes. However, they did not necessarily have their choice of neighborhood. Mr. Gee had put down a deposit on a house in Kitsilano, a crowded middle-class neighborhood that rose up the slope from English Bay. When white neighbors got wind that a Chinese family wanted to move in, they amassed a petition against him. He walked away, losing his deposit.

The Canadian Bill of Rights

Since signing the Universal Declaration of Human Rights in 1948, the Canadian government has taken steps to protect human rights in Canada. When he became prime minister, John Diefenbaker made the passing of a bill of rights a priority. In 1960, Diefenbaker’s government passed the *Canadian Bill of Rights*. This bill formally outlined and recognized rights already held by Canadians under common law. However, as an act of Parliament, the Bill of Rights could be amended or changed like any other piece of legislation, and it did not override other federal or provincial laws. Human rights in Canada were not solidly entrenched in our legal system until 1982, when the Canadian Charter of Rights and Freedoms became part of the new Canadian Constitution.
### Time Line

#### The Evolution of Human Rights in Canada

<table>
<thead>
<tr>
<th>Year</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>1900</td>
<td>Dominion Elections Act makes the qualifications for voting in federal elections the same as for the provinces. In B.C., visible minorities, Aboriginals, and women are excluded from voting in federal elections.</td>
</tr>
<tr>
<td>1903</td>
<td>Chinese Immigration Act is amended, increasing head tax to $500.</td>
</tr>
<tr>
<td>1914</td>
<td>Continuous Passage Act and Komagata Maru incident</td>
</tr>
<tr>
<td>1917</td>
<td>B.C. follows Manitoba, Saskatchewan, and Alberta in granting most Caucasian women the right to vote in provincial elections.</td>
</tr>
<tr>
<td>1927</td>
<td>Indian Act makes it illegal for Aboriginal peoples to hire lawyers to pursue land claims without the permission of the Superintendent of Indian Affairs.</td>
</tr>
<tr>
<td>1928</td>
<td>Alberta passes Sexual Sterilization Act requiring patients in psychiatric wards to be sterilized.</td>
</tr>
<tr>
<td>1929</td>
<td>Women are ruled to be &quot;persons&quot; by the Privy Council in England.</td>
</tr>
<tr>
<td>1940</td>
<td>Government uses War Measures Act to ban a number of organizations, including the Communist Party and Jehovah's Witnesses.</td>
</tr>
<tr>
<td>1942</td>
<td>Canadians of Japanese origin are relocated and interned, and their property is confiscated. Doukhobors, Hutterites, and &quot;enemy aliens&quot; are barred from buying land in Alberta.</td>
</tr>
<tr>
<td>1948</td>
<td>Canadian Federal Elections Act is amended to ensure a person’s race cannot be a reason to deny the vote in federal elections, excluding Status Indians.</td>
</tr>
<tr>
<td>1960</td>
<td>Status Indians are granted the right to vote in federal elections. Prime Minister Diefenbaker passes the Canadian Bill of Rights.</td>
</tr>
<tr>
<td>1969</td>
<td>Prime Minister Trudeau’s Omnibus Bill decriminalizes homosexuality and makes it legal for women to have an abortion in certain situations.</td>
</tr>
<tr>
<td>1970</td>
<td>War Measures Act is invoked during the October Crisis (see Chapter 7). Canadian Criminal Code makes it a crime to advocate genocide or publicly incite hatred against people because of their colour, race, religion, or ethnic identity.</td>
</tr>
<tr>
<td>1973</td>
<td>Calder case is seen to be the basis for contemporary Aboriginal law in Canada.</td>
</tr>
<tr>
<td>1974</td>
<td>Thirty-two women are sworn in as the RCMP’s first female recruits.</td>
</tr>
<tr>
<td>1976</td>
<td>Capital punishment is removed from the Criminal Code as a penalty for crime in Canada; it is still permitted in the military for treason until 1998.</td>
</tr>
<tr>
<td>1977</td>
<td>All restrictive regulations based on nationality, citizenship, ethnic group, occupation, class, or geographical area of origin are removed from the Canadian Immigration Act. The Canadian Human Rights Act guarantees equal opportunity in areas affecting the federal government; it exempts all decisions and actions taken under the Indian Act.</td>
</tr>
<tr>
<td>1978</td>
<td>Government uses War Measures Act to ban a number of organizations, including the Communist Party and Jehovah’s Witnesses.</td>
</tr>
<tr>
<td>1982</td>
<td>Indian Act is amended to allow Aboriginal women who married non-Aboriginal men to reclaim their status.</td>
</tr>
<tr>
<td>1985</td>
<td>Canadian government apologizes to Japanese Canadians for internment during Second World War.</td>
</tr>
<tr>
<td>1990</td>
<td>Federal government removes the ban preventing Sikhs in the RCMP from wearing turbans.</td>
</tr>
<tr>
<td>1995</td>
<td>The Supreme Court of Canada rules that sexual orientation is to be judged in the same way as other protected personal characteristics.</td>
</tr>
<tr>
<td>1996</td>
<td>B.C. Human Rights Code becomes law, protecting areas such as employment, housing, and services and facilities customarily available to the public.</td>
</tr>
<tr>
<td>1999</td>
<td>The Supreme Court recognizes same-sex relationships.</td>
</tr>
<tr>
<td>2003</td>
<td>British Columbia becomes the second province, after Ontario, to legalize same-sex marriages.</td>
</tr>
<tr>
<td>2006</td>
<td>Canadian government apologizes for Chinese Head Tax and Chinese immigration exclusions.</td>
</tr>
</tbody>
</table>
The Canadian Charter of Rights and Freedoms

Few laws have had as profound an effect on the life of Canadians as the Canadian Charter of Rights and Freedoms. As you read in Chapter 8, Prime Minister Pierre Trudeau spearheaded the campaign to amend the Canadian Constitution in 1982 to include the Charter. The Charter protects the fundamental freedoms of Canadians and guarantees their democratic, mobility, equality, legal, and language rights. The Charter gives Canadians the right to challenge in court any law they believe violates their Charter rights. The courts do not always agree with the challenges made, but Canadians generally believe that the Charter offers them a chance to stand up for their rights, even against powerful government interests.

Limiting the Charter

The Charter sets limits on some rights to make sure that one person’s rights do not take precedence over someone else’s. The Charter also allows the federal and provincial governments to have the final say in which laws are passed.

Reasonable Limits

Section 1 of the Charter contains this limiting clause: “the Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.” This means that the government can limit a person’s rights or freedoms, but it must show that the limit is necessary. This clause was tested in 1990 when James Keegstra, an Alberta high-school teacher, was charged with promoting hatred by making anti-Semitic statements in his classes. Keegstra argued that the Charter protected his right to express his opinion, but the Supreme Court ruled that his teachings went beyond his right to freedom of expression and that it was reasonable to limit his right in this case.

The Notwithstanding Clause

As you learned in Chapter 8, the notwithstanding clause (section 33 of the Charter) allows the federal and provincial or territorial governments to pass a law even if it violates a specific freedom or right in the Charter (see Figure 10–7). This clause was a compromise. Some provincial politicians felt the Charter, which would be interpreted by justices, would weaken their power as elected lawmakers. The notwithstanding clause allowed legislatures to have the final say.

<table>
<thead>
<tr>
<th>Section 33 can be applied to</th>
<th>Section 33 cannot be applied to</th>
</tr>
</thead>
<tbody>
<tr>
<td>fundamental freedoms (section 2)</td>
<td>democratic rights (sections 3–5)</td>
</tr>
<tr>
<td>legal rights (sections 7–14)</td>
<td>mobility rights (sections 6)</td>
</tr>
<tr>
<td>equality rights (section 15)</td>
<td>language rights (sections 16–23)</td>
</tr>
</tbody>
</table>

FIGURE 10–6 Application of the notwithstanding clause

Thinking Critically Which of the sections of the Charter would you move from one category to the other and why?
The federal government has never used the notwithstanding clause. Saskatchewan used it to protect a law that ordered striking workers back to work. Quebec protested the patriation of the Constitution in 1982 by withdrawing all its laws and re-enacting them with the notwithstanding clause included. The same was done with all laws passed in the next three years. Since then, Quebec governments have used the notwithstanding clause 15 times, dealing with issues such as the language on signage, pensions, and same-sex marriage.

### PRACTICE QUESTIONS

1. What are the Canadian Bill of Rights and the Canadian Charter of Rights and Freedoms? How do they help protect the rights of all Canadians?

2. Do you think section 1 of the Charter is necessary? Why or why not?

3. Why was the notwithstanding clause included in the Charter? To which section of the Charter can it be applied? Why do you think the notwithstanding clause has not been used more often?
The Charter in Action

As you have read, the Canadian Charter of Rights and Freedoms defines the basic rights and freedoms that individuals and groups are entitled to in Canada. We will now explore these rights and freedoms in more detail and see how the Charter helps to protect them.

Fundamental Freedoms

Section 2 of the Charter protects the fundamental freedoms of conscience, religion, thought, belief, opinion, expression, peaceful assembly, and association. These are the political civil liberties at the core of Canada’s democratic society ensuring individual Canadians freedom from fear and persecution. They are at the heart of what it means to be a citizen of Canada. These freedoms are, however, subject to reasonable limits (see Case Study: Human Rights and Freedom of Expression on page 338).

In the past, the federal government has restricted or denied these freedoms. For example, in 1907 it passed the Lord’s Day Act, which restricted activities such as shopping on Sundays. This Act was overturned in 1985 as contrary to freedom of religion. In 1970, during the October Crisis, the government invoked the War Measures Act, the first time it was applied in peacetime, restricting people’s freedom of assembly, association, and expression.
Mobility Rights

Section 6 of the Charter gives citizens the right to remain in and leave Canada, and to move and live within the country. Mobility rights have been brought to the public’s attention since the 9/11 attacks in 2001 because heightened security has led to a number of cases in which Canadians were refused admission to Canada. Most mobility cases are concerned with extradition of Canadians accused of a crime by another country. The Supreme Court has ruled that people may not be extradited for crimes that might result in the death penalty. Subjecting a Canadian citizen to a possible death penalty in another country would contradict section 7 of the Charter, which entitles each Canadian the right to life, liberty, and security.

Equality Rights

Section 15 of the Charter guarantees equality “before and under the law.” “Before the law” means everyone must have access to the courts, which is why we have legal aid programs to make sure that those who cannot afford a lawyer are represented fairly. “Under the law” means that laws passed by the government must treat everyone equally. The courts cannot favour the rights of one group over another. Section 15 prohibits anyone, including the justice system or any other branch of government, from discriminating against individuals based on race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability. Some exceptions are allowed if they aim to improve the conditions of “disadvantaged individuals or groups.” Similarly, affirmative action programs are recognized under subsection 15(2) of the Charter to ensure minority rights for disadvantaged individuals and groups.

One of the most significant cases decided by the Supreme Court confirmed the equality rights of gays and lesbians. In 1991, Delwin Vriend, an instructor at a private religious college in Alberta, was fired because the school discovered he was gay. The Alberta Human Rights Act did not cover discrimination based on sexual orientation, so the Alberta Human Rights Commission would not hear Vriend’s case. When the matter reached the Supreme Court, it ruled that exclusion on the basis of sexual orientation violated section 15 of the Charter.

You will read more about three different types of equality rights—Aboriginal, gender, and child—later in this chapter.
Legal Rights

Canadians have their legal rights guaranteed by sections 7 to 14 of the Charter. These rights cannot be taken away without proper legal process. Many of the Charter cases before the courts are attempts to settle situations in which the Criminal Code conflicts with individual rights and freedoms.

The powers of police to arrest and question suspects, seize evidence, and conduct searches have been steadily reduced since the introduction of the Charter in 1982. Some people argue that this is necessary to protect the rights of citizens. Others maintain that it severely restricts the ability of the police to carry out their duties. The courts have also strongly upheld the rights of those held or arrested by the police. Prisoners have the right to know the reason for their arrest and to have a judge decide whether they are being held legally. They also have the right to contact a lawyer, and the right to a speedy trial.

An Illegal Search

In 2002, at St. Patrick’s High School in Sarnia, Ontario, police used a sniffer dog to search backpacks while the students were kept in their classrooms. During the search, the dog reacted to one of the backpacks. Without getting a warrant, the police opened the backpack, found illicit drugs, and charged the student. At both the trial and appeal, judges dismissed the charges, finding both the search with the sniffer dog and the search of the backpack unreasonable under section 8 of the Charter. When the case reached the Supreme Court, six of the nine judges supported these findings, noting that students can “…expect the contents of their backpacks not to be open to the random and speculative scrutiny of the police.” The other three judges disagreed, saying that students were warned before and at the time about the zero-tolerance policy of drugs in the school.

WEB LINK

You can read the transcript of this and a similar case decided at the same time on the Pearson Web site.

PRACTICE QUESTIONS

1. Create a three-column chart with the following headings: Right or Freedom; Explanation; Examples. In your own words, give a brief explanation of the rights and freedoms on pages 332–334 and give specific examples from the textbook.

2. What is the purpose of affirmative action programs? Why are these programs “technically” against the Charter of Rights and Freedoms?

3. Would you agree with the majority or minority view of the Supreme Court for the search described in the above Fast Forward? Explain.

4. Judgements Where would you draw the line between personal privacy and public safety? Explain.
Advocating for Your Rights

Imagine you are 19 years old and looking to rent an apartment with two friends. Your mother was shown a suitable apartment, but when you call to set up an appointment to view the rental unit with your friends the landlord coldly tells you the unit is taken. Is this age discrimination, you wonder. Human rights abuses such as this take place across the country. Fortunately, we can seek help from the legal system to resolve these types of issues.

Federal and Provincial Human Rights Legislation

The federal and provincial governments have passed specific laws to deal with particular cases of discrimination. These laws are administered by human rights commissions that investigate complaints and attempt to find solutions. The Canadian Human Rights Act covers all federally regulated businesses and agencies including banks, the major airlines, Canada Post, and the national media. The Canadian Human Rights Commission administers this Act. Provincial human rights codes clarify people’s rights in areas such as employment, tenancy, and institutions, and are interpreted by provincial bodies.

The British Columbia Human Rights Code

Most human rights complaints in British Columbia fall under the British Columbia Human Rights Code. The Code protects citizens against discrimination on the grounds of age (19 to 65), ancestry, colour, family or marital status, physical or mental disability, place of origin, political belief, race, religion, sex, or sexual orientation. It covers employment, tenancy and property purchases, accommodation, services, facilities usually available to the public, and hate propaganda. The British Columbia Human Rights Tribunal deals with complaints and hearings.

In 2009, over 1100 complaints were filed with the British Columbia Human Rights Tribunal. The majority of the complaints dealt with employment, followed by services and tenancy. Of the cases that appeared before the Tribunal, 607 were settled, withdrawn, or abandoned.

How are human rights protected in British Columbia?

KEY TERM

legal rights Charter rights that guarantee people will be treated fairly by the legal system, including knowing why they were arrested, having access to a lawyer, and getting a fair and speedy trial

FIGURE 10–11 Complaint process at the B.C. Human Rights Tribunal

Thinking Critically Describe a change you would make to improve the complaint process.
Employment

- You cannot be refused work or a promotion because of your age, or any of the other grounds listed in the Code.
- Employers cannot refuse to hire an applicant because of a criminal record if the crime is unrelated to the job.
- Job ads cannot exclude any category of persons except on the basis of occupational requirements.

Tenancy

- Offer tenants same protection as employees.
- Landlord cannot refuse to rent to you based on your source of income.
- Landlord can determine whether you can afford to pay the rent, except in the case of older people and those with disabilities.

Accommodation, service, or use of facilities

You cannot be unfairly denied accommodation, service, or use of a public facility, with two exceptions:
- In matters of public decency (public washrooms and change rooms), discrimination on the basis of sex is allowed.
- Insurance companies are allowed to take sex and physical and mental health into account when calculating insurance costs.

Hate propaganda

A person cannot publish or display any notice, sign, symbol, or emblem that is likely to expose a person or class of persons to hatred or contempt.

FIGURE 10–12 Some of the protections provided by the B.C. Human Rights Code

FIGURE 10–13 Areas of discrimination cited in complaints to the British Columbia Human Rights Tribunal, 2009

KEY TERMS

precedent a legal decision that serves as a rule for future cases

amending formula a rule established in 1982 that states Canada's Constitution cannot be changed unless at least seven Canadian provinces, representing at least 50 percent of the population of Canada, approve

The Supreme Court and the Charter

The Supreme Court of Canada has been the highest court for all legal issues in Canada since 1949. It decides on constitutional issues and acts as the final court of appeal for some criminal cases. The Governor General, on the advice of the prime minister, appoints the nine members of the Supreme Court. Three of these justices must be from Québec. Traditionally, three others come from Ontario, one from the Maritimes, and the remaining two from the Western provinces.

The importance of the Supreme Court in the everyday lives of Canadians has grown since the introduction of the Canadian Charter of Rights and Freedoms. The Court's decisions set precedents that define our rights and, in some cases, change our legal system. No one can alter the decisions of the Supreme Court, unless Parliament passes a constitutional amendment. The amending formula established in 1982 specifies that at least seven provinces, totalling at least 50 percent of the population of all provinces, must approve such an amendment.
Chapter 10  ■  Protecting Human Rights

©P

1. Both the Canadian Charter of Rights and Freedoms and the B.C. Human Rights Code restrict age discrimination to those between 19 and 65. What problems might occur if this age restriction were removed?

2. Which of the following situations violate human rights, and under which category might they fall in the B.C. Human Rights Code?
   a) A person in a wheelchair is denied access to a sporting event because the wheelchair cannot fit in the space designated for wheelchairs.
   b) An advertisement for a house rental says that only non-smoking women need apply.
   c) A woman is refused an interview for a job as a security guard in a mall because the company says it finds men are more effective at controlling groups of young people.
   d) A group puts up posters for a dance that include some racist lyrics from the songs that will be played.

3. How does the Supreme Court decide whether it will hear a Charter challenge? How has the Charter changed the role of the Supreme Court in the lives of Canadians? What problems are associated with this new role?

4. Perspectives  How might the WCC’s decisions differ from the Supreme Court’s on major issues? Explain.

Charter Appeals

When an appeal involving a Charter right reaches the Supreme Court, the justices consider three questions:

1. Did the government or one of its agencies restrict a right or freedom?
2. Is the right or freedom protected by the Charter?
3. Was the restriction reasonable under the limits of section 1?

The media regularly report on Charter decisions made by the Supreme Court. Since 1982, some of the Court’s most newsworthy judgements included decisions to strike down a government abortion law, uphold cruise missile testing, condemn unfair treatment on the basis of pregnancy, affirm Aboriginal rights, and grant survivor benefits to same-sex couples.

Rewriting History

In 2008, several female lawyers and scholars established the Women’s Court of Canada (WCC). Their goal is to challenge conventional thinking and highlight what they see as problems with Supreme Court equality decisions under section 15 of the Charter. The WCC see themselves as part of the long tradition of Canadian women, such as those in the Persons Case (see Chapter 3), refusing to accept decisions of the Supreme Court as the last word. Adopting the declaration of the writer Oscar Wilde that “the only duty we owe to history is to rewrite it,” the WCC set itself the task of rewriting a number of Supreme Court cases to reflect equity as they see it.

WEB LINK  Read about the WCC on the Pearson Web site.

Practice Questions

1. Both the Canadian Charter of Rights and Freedoms and the B.C. Human Rights Code restrict age discrimination to those between 19 and 65. What problems might occur if this age restriction were removed?

2. Which of the following situations violate human rights, and under which category might they fall in the B.C. Human Rights Code?
   a) A person in a wheelchair is denied access to a sporting event because the wheelchair cannot fit in the space designated for wheelchairs.
   b) An advertisement for a house rental says that only non-smoking women need apply.
   c) A woman is refused an interview for a job as a security guard in a mall because the company says it finds men are more effective at controlling groups of young people.
   d) A group puts up posters for a dance that include some racist lyrics from the songs that will be played.

3. How does the Supreme Court decide whether it will hear a Charter challenge? How has the Charter changed the role of the Supreme Court in the lives of Canadians? What problems are associated with this new role?

4. Perspectives  How might the WCC’s decisions differ from the Supreme Court’s on major issues? Explain.
Human Rights and Freedom of Expression

Canada guarantees its people equality and inclusion in society. Federal and provincial human rights laws protect our right to equality as well as our right to be different. The Criminal Code of Canada protects minority groups from those who would incite hatred toward them. In short, Canadian legislation promotes tolerance and open-mindedness, which characterizes our multicultural society.

Yet there are times when multiculturalism is at odds with another Canadian value: free speech. The Charter protects “freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication.” Reconciling the ideals of multiculturalism and free speech has become an important public issue in Canada.

Free Speech at All Costs?

This question was at the centre of three cases launched by the Canadian Islamic Congress before the Canadian Human Rights Commission and the human rights commissions in B.C. and Ontario. Dr. Mohamed Elmasry lodged complaints against Maclean’s magazine after it published an excerpt from Mark Steyn’s book America Alone in an article entitled “Why the Future Belongs to Islam.” The article asserts that Muslims will soon dominate world culture because they have “youth, numbers, and global ambition,” while Western culture is in decline because it “is growing old and enfeebled, and lacks the will to rebuff those who would supplant it.”

According to section 13(1) of the Canadian Human Rights Act and section 7 of the B.C. Human Rights Code, it is discriminatory to say anything that is likely to expose a person or persons to hatred or contempt. Dr. Elmasry claimed the article was “flagrantly Islamophobic,” demonized Islam and contributed to discrimination. The Canadian Human Rights Commission dismissed his claim without a hearing. At the B.C. hearing, Dr. Faiza Hirji, a university journalism instructor, testified that the article had examples of common stereotypes of Muslims being associated with violence and terrorism. The lawyers for Maclean’s argued that the hearings “constitute an unjustifiable infringement of freedom of the press.” The tribunal ruled that the article did not violate anti-hate laws and was a legitimate subject for public discussion.

Restricting Free Speech

After the judgement, Dr. Elmasry commented that “the state should act to empower those who are disadvantaged by hate speech, and that may mean lowering the voices of some in order that others may be heard.” This was echoed by the Ontario Human Rights Commission, which said that the media should try harder to not promote stereotypes.

Many people in the media defended the right to disagree and to offend as part of the price of free speech. They also argued that free speech is the best protection for minorities. The writers’ group PEN Canada claimed this case raised “disturbing questions about the degree to which human rights commissions have taken it upon themselves to become [the judges] of what constitutes free speech.”

Looking Further

1. How would you have decided Dr. Elmasry’s complaint? Explain.

2. Would you support removing section 13(1) of the Canadian Human Rights Act? Why or why not?
Aboriginal Rights

Rights taken for granted by most Canadians were sometimes denied or only slowly granted to Aboriginal groups. The issue of residential schools is an extreme example of the Canadian government imposing its will on Aboriginal peoples to try to assimilate them into mainstream culture. Even though residential schools and most of the legal restrictions that had been placed on First Nations peoples are now gone, Aboriginal groups still suffer from serious problems, including poverty, poor health, and inadequate housing and education.

The Bill of Rights did not advance Aboriginal rights in Canada, but the Canadian Charter of Rights and Freedoms has helped to eliminate some of the injustices that existed in law before 1982. In July 2000, Aboriginal leaders presented their case at the UN Working Group on Indigenous Populations, claiming Canada had violated their human rights. Despite these efforts, Canada was one of only four countries (Australia, New Zealand, and the United States were the other three) that refused to sign the UN Declaration on the Rights of Indigenous Peoples. Australia endorsed the Declaration in 2009.

Under the Indian Act, if an Aboriginal woman married a non-Aboriginal, she was no longer considered a status Indian. This meant that she could not live on the reserve, nor receive any of the treaty benefits of her band or nation. She could not participate in band councils. As a final indignity, she could no longer be buried with her ancestors. None of these rules applied to Aboriginal men who married non-Aboriginal women. In those cases, the non-Aboriginal wives gained Indian status for themselves and the children born to the marriage.

In 1970, Jeannette Corbière, a member of the Anishnawbe nation in Ontario, lost her Indian status when she married a non-Aboriginal, David Lavell. She decided to challenge the law. Her case was the first that claimed discrimination on the basis of gender under the 1960 Canadian Bill of Rights. Lavell lost her case in County Court but the Federal Court of Appeal ruled in her favour. The Crown, however, chose to appeal the decision.

In 1973 the Supreme Court ruled against Lavell. The Court found that, as Lavell was being treated the same as other Aboriginal women who had married non-Aboriginals, she had not been discriminated against. It dismissed the argument that treating Aboriginal women differently from Aboriginal men was discriminatory.

However, Lavell did eventually triumph. When the Canadian Charter of Rights and Freedoms was passed, it expanded the equality provisions in the Bill of Rights. The Charter also contained a provision that Aboriginal and treaty rights must be applied equally to men and women. These changes meant that the regulations in the Indian Act were now unconstitutional. In 1985, this part of the Act was changed so Aboriginal women keep their status when they marry non-Aboriginal men.

Our experience with Canada is an ongoing violation of our people’s fundamental human rights. Our people are still confined to tiny portions of Canada’s land mass, with few or no resources. Our peoples still mostly live in desolate communities with unsafe drinking water and inadequate sanitation. Our people are still crowded into unsafe and unhealthy dwellings or live homeless on the streets of the big cities.

–Ashley Iserhoff, a James Bay Cree, to the UN Working Group on Indigenous Populations

How are minority rights protected in the Canadian Charter of Rights and Freedoms?

Our experience with Canada is an ongoing violation of our people’s fundamental human rights. Our people are still confined to tiny portions of Canada’s land mass, with few or no resources. Our peoples still mostly live in desolate communities with unsafe drinking water and inadequate sanitation. Our people are still crowded into unsafe and unhealthy dwellings or live homeless on the streets of the big cities.

–Ashley Iserhoff, a James Bay Cree, to the UN Working Group on Indigenous Populations
The Impact of the Charter and the Constitution

Section 25 of the Charter protects the practices and customs of Aboriginal peoples and those outlined in section 35 of the Constitution Act of 1982. The Constitution recognized “the existing Aboriginal and treaty rights of the Aboriginal peoples of Canada.” These rights have been in place since the arrival of Europeans and predate the Constitution.

The Supreme Court’s recent decisions regarding Aboriginal rights have been among its most controversial. In its decisions, the Court has also considered the historical mistreatment of Aboriginal groups and their existing social and cultural needs. Recent court decisions have defined the nature of Aboriginal and treaty rights and clarified the legal relationship between the governments of Canada and Aboriginal peoples. These decisions are important in British Columbia because of the lack of treaties covering most of the land in the province.

WEB LINK
To read more about cases involving Aboriginal rights, visit the Pearson Web site.

<table>
<thead>
<tr>
<th>Case</th>
<th>Issue</th>
<th>Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Calder vs. B.C.</td>
<td>Aboriginal title to traditional lands</td>
<td>The Nisga’a went to court to establish title to their traditional lands. In 1973, the Supreme Court of Canada (SCC) ruled that the Nisga’a did hold title to their traditional lands before British Columbia was created. Because Native title to land is proclaimed to exist under English law, predating colonization, the decision forms the basis for contemporary Aboriginal law in Canada.</td>
</tr>
<tr>
<td>R. vs. Sparrow</td>
<td>Inherent Aboriginal rights</td>
<td>The Supreme Court decision that Aboriginal rights that were in existence in 1982, such as fishing, are protected under the Constitution of Canada and cannot be infringed upon.</td>
</tr>
<tr>
<td>Delgamuukw vs. B.C.</td>
<td>Aboriginal title to land</td>
<td>The Supreme Court’s landmark decision that Aboriginal title is an ancestral right protected by the Constitution Act. It ruled that Aboriginal title is a right to exclusive use and occupation of land. To claim Aboriginal title, the people must be able to prove that they occupied the land before sovereignty. The Court made another important decision by allowing oral tradition to be used as evidence to prove a claim to Aboriginal title.</td>
</tr>
<tr>
<td>R. vs. Kapp</td>
<td>Aboriginal fisheries</td>
<td>A federal government initiative, the Aboriginal Fisheries Strategy, allowed only Aboriginal fishers to catch and sell salmon in a closed fishery on the Fraser River. Non-Aboriginal fisheries were excluded and claimed their equality rights under section 15(1) of the Charter were being violated. The Court ruled that the exclusion of non-Aboriginal fishers falls under section 15(2) of the Charter that enables governments to develop programs to help disadvantaged groups improve their situation.</td>
</tr>
</tbody>
</table>

FIGURE 10–16 Supreme Court cases involving Aboriginal rights

PRACTICE QUESTIONS

1. Why do you think the government appealed the Lavell case to the Supreme Court? What was at stake for the government? For Aboriginal women?
2. In your own words, explain the difference between Lavell’s view of what constituted discrimination and the Supreme Court’s view.
3. Give examples of how the Charter has helped gain human rights recognition for Aboriginals.
4. Why has B.C. been the focus of so many Charter challenges that have appeared before the Supreme Court of Canada? How might these challenges impact future relations between the government and Aboriginal peoples?
Gender Equity

In 2009, the United Nations ranked Canada fourth on the Human Development Index (HDI), down from first place in the 1990s. Less impressive are Canada’s efforts to deal with gender equality. The gender-related development index (GDI) measures the same achievements as the HDI but includes data on inequalities between men and women. The gender empowerment measure (GEM) reveals whether women take an active part in the economy and politics of a nation. In 2009, Canada was ranked twelfth out of 109 countries in the GEM. These findings encouraged efforts to enforce the gender equity provisions of the Charter.

The Charter and Gender Equity

Though the Charter provides guarantees against gender discrimination, this does not mean that attitudes change quickly. While most Canadians believe in the idea of equality and fairness, opinions differ as to how these goals are realized in the workplace. Women continue to be underrepresented in many traditionally male disciplines, and they are often paid less than men when they perform the same type of work.

As Figure 10–18 shows, the average earnings of women have been rising, perhaps partly because the number of women in the labour force has increased. However, in 2006, about 26 percent of the 2 million employed women in Canada were working part-time (less than 30 hours per week). Part-time work generally provides fewer benefits, such as pensions, health coverage, and life insurance.

The Charter allows for special initiatives, such as affirmative action programs, that would improve the situation of those people who have been discriminated against because of “race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability.” Just how far should this principle be extended? Two practices designed to improve employment equity still cause debate: the principle of equal pay for work of equal value, and the use of preferential hiring practices.

<table>
<thead>
<tr>
<th>Year</th>
<th>Women’s Earnings</th>
<th>Men’s Earnings</th>
<th>Women’s Earnings as a % of Men’s (2007$)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1998</td>
<td>$25,900</td>
<td>$41,300</td>
<td>62.8</td>
</tr>
<tr>
<td>1999</td>
<td>$26,400</td>
<td>$42,100</td>
<td>62.6</td>
</tr>
<tr>
<td>2000</td>
<td>$26,800</td>
<td>$43,500</td>
<td>61.7</td>
</tr>
<tr>
<td>2001</td>
<td>$26,900</td>
<td>$43,400</td>
<td>62.1</td>
</tr>
<tr>
<td>2002</td>
<td>$27,300</td>
<td>$43,400</td>
<td>62.8</td>
</tr>
<tr>
<td>2003</td>
<td>$26,900</td>
<td>$42,800</td>
<td>62.9</td>
</tr>
<tr>
<td>2004</td>
<td>$27,300</td>
<td>$43,100</td>
<td>63.4</td>
</tr>
<tr>
<td>2005</td>
<td>$27,900</td>
<td>$43,700</td>
<td>64.0</td>
</tr>
<tr>
<td>2006</td>
<td>$28,400</td>
<td>$43,800</td>
<td>64.7</td>
</tr>
<tr>
<td>2007</td>
<td>$29,200</td>
<td>$44,400</td>
<td>65.7</td>
</tr>
</tbody>
</table>

FIGURE 10–17 The RCMP was one of the last police forces in Canada to recruit women. The first female Mounties graduated in 1975. Some regulations, however, were different for women than for men. For example, female officers were required to carry their guns in their purses. How have attitudes toward gender equity changed since then?

FIGURE 10–18 Average earnings by gender, full- and part-time

Thinking Critically Are you surprised by these statistics? Why or why not? What changes might improve women’s average earnings?
Equal Pay for Work of Equal Value

Women in the workplace face the challenge of breaking out of traditional “job ghettos,” occupations that usually pay poorly and are dominated by female workers. For example, secretarial and nursing positions were once overwhelmingly held by female workers, and as a result the average wages were lower than for equivalent positions held by males.

Studies have shown that the values attached to various types of work often reflect attitudes based on stereotypes of who does what kind of work and a frequent assumption that the work performed mainly by women is more valuable than work performed mainly by men.

–Public Service Alliance of Canada Pay Equity Bulletin, 2000

To avoid this form of discrimination, the Canadian Human Rights Act, 1986, states the following:

(1) It is a discriminatory practice for an employer to establish or maintain differences in wages between male and female employees employed in the same establishment performing work of equal value.

(2) In assessing the value of work performed by employees employed in the same establishment, the criterion to be applied is the composite of the skill, effort and responsibility required in the performance of the work and the conditions under which the work is performed.

Most people agree that female teachers, police officers, and postal workers should be paid at the same rate as their male colleagues (equal pay for equal work). However, some critics claim that it is impossible to compare the value of jobs, especially when those jobs are as different as clerk and plumber, for example.

Preferential Hiring Policies

“Universities hiring, but white males need not apply.” So read the headline in a Vancouver newspaper in the summer of 1999. The employment advertisements for a number of Canadian universities clearly expressed a preference for equity groups—candidates who were female, from a minority, or had disabilities. The universities claimed they wanted to hire instructors who would more accurately reflect the mix of students in university. To receive federal government funding, universities had to set equity hiring targets.

Employment equity or affirmative action policies have become quite controversial. Some critics argue that they amount to reverse discrimination and are unfair to qualified applicants who cannot be considered for some positions. Critics feel these hiring policies are unnecessary because existing inequities will correct themselves in time.
In 1994, Tawney Meiorin lost her job as a forest firefighter because she took too long to finish a 2.5-kilometre run. She had been doing the job for three years before she failed the new test, which was based on the aerobic capacity of several dozen elite male firefighters. Meiorin’s union brought the case to the courts after a B.C. labour arbitrator’s decision was overturned by the B.C. Court of Appeal. At issue was whether the running test was a reasonable occupational requirement.

In a unanimous decision, the Supreme Court ruled that although the province apparently developed its aerobics test in good faith, it failed to take into account the physical differences of males and females. Madame Justice Beverley McLachlin wrote: “If men and women do not have equal ability to meet the excessive standard, the effect may be to exclude qualified female candidates from employment for no reason but their gender.”

The Court said that employers can discriminate in hiring standards only if not doing so would impose “undue hardship” on the employer and if the standards reflect a legitimate occupational requirement. It ordered the province of British Columbia to compensate Tawney Meiorin for lost wages and benefits.

Some people saw this ruling as a major step in eliminating discrimination that had stopped women from being hired for jobs traditionally dominated by men. They said that relaxing such restrictions would give them access to a larger pool of applicants who better reflect the diversity of Canadians. Critics of the judgement claimed that it would compromise safety standards in the name of political correctness. One editorial claimed that “more people will die in burning buildings in order to ensure that more women can become firefighters.”

### Practice Questions

1. In your own words, explain the following terms: preferential hiring policy, equity group, and reverse discrimination. Provide specific examples of efforts to minimize these issues.

2. Explain why preferential hiring programs are controversial.

3. **a)** In what areas of Canadian society could the laws still be changed to improve equality in the workplace?

   **b)** What methods, other than using decisions from the human rights commissions, could be used to promote equality in the workplace?

4. How were Tawney Meiorin’s rights under the Charter violated when she was dismissed? Do you agree with the Supreme Court’s decision? Why or why not?

5. What occupations do you think would be justified in imposing discriminatory hiring standards, based on the Supreme Court’s requirement of “undue hardship” on the employer? What would the standards be?

6. **Evidence** What does the term glass ceiling refer to? Which social values and forces do you think created glass ceilings?
Building Your Skills

Separating Fact from Opinion

How many times have you heard someone say, “Just give me the facts!” It is important to distinguish what is factual from what is simply someone’s opinion. When an opinion is passed from person to person, details can often get exaggerated. Even if there is a factual basis to the opinion, the central point is often overlooked and can lead to stereotyping.

In today’s world of constant and instant communications, people are bombarded with information from print and electronic sources, including commercial advertising, public service announcements, and social networking sites. It is important to remember that media sources contain both fact and opinion, along with statements that are often controversial.

It is important for courts and tribunals to deal only with statements that can be backed by evidence. Facts contain truths that can be verified by research, while opinions are biased statements based on a person’s beliefs and values (see Building Your Skills in Chapter 1). This means that facts are objective (not influenced by personal beliefs) and are as close to the truth as you can get.

Opinions are personal and subjective because they are the result of one’s beliefs and perspective on the world. Ideally, your opinion should be supported by facts and not based on only one point of view. This is referred to as an informed opinion. Even if your opinion is informed, it is likely to be influenced by your life experiences and by those around you. You may think your opinion is the right one, but others will likely have contrary opinions that they consider equally valid.

Applying the Skill

The following examples will help you to distinguish between fact and opinion.

1. Read the following paragraph. Indicate and explain which of the sentences are fact, opinion, and informed opinion.

(a) Since it was enacted in 1982, the Charter of Rights and Freedoms has led to an expansion of the basic rights to which all Canadians are entitled and has had a profound effect on Canadian society. (b) Advocates for human rights groups conclude that the expansion of human rights has been a benefit to Canadians and should be expanded further. (c) As the examples in this chapter illustrate, the Charter has been instrumental in defining the rights of Canadians in relation to the police and the courts. (d) On the other hand, representatives of law enforcement agencies conclude that the expansion of rights in some areas has been misdirected, allowing criminals to escape punishment. (e) The powers of the police to question, arrest, and conduct searches have been reduced. (f) Section 8 of the Charter guarantees everyone “the right to be secure against unreasonable search and seizure.” (g) It severely restricts the ability of the police to carry out their duties. (h) Police point to cases of drug dealers having charges dismissed on technicalities as a result of the way the police carried out the arrest. (i) However, it is necessary to protect the rights of citizens.
2. In 2002, the Supreme Court overturned the restriction in the Canada Elections Act prohibiting prisoners from voting in federal and provincial elections as denying a fundamental democratic right guaranteed by the Charter. Use the cartoon on page 344 to answer the following questions.

a) Analyze the cartoon. Select and explain details in the illustration that are based on fact or on opinion.

b) Would you consider the cartoon to be subjective or objective? Why?

3. Read the following excerpt from an article and answer the questions that follow.

**Fewer Young Criminals May Face Life-Without-Parole Sentences**

Texas joined six other states this year in banning life sentences without parole for young offenders.

The legislation reverses a 2005 law that allowed life sentences without parole, under which four juveniles were incarcerated, according to Human Rights Watch. The new law will not retroactively affect those already incarcerated, although a measure (may be introduced) next year to change existing sentences.

Critics of lifetime incarceration for juveniles have long called for banning the practice because minor offenders often act in impulse, without the same level of emotional control of which adults are capable.

“A person’s brain is not fully developed until he or she is an adult,” said Debra Kowalski, M.D., chair of the Children and Adolescents Committee of the Texas Society of Psychiatric Physicians, in an interview with Psychiatric News.

A growing body of research on adolescent brain development has found that teens do not have the abilities of adults to make sound decisions, control their impulses, resist group pressures, or weigh the long-term consequences of their actions.

The new law “gives [offenders] an opportunity to make these changes and develop a better life,” Kowalski said.

Human Rights Watch has found that the numbers of youths receiving such sentences was small until 1982, when the number began to rise until it peaked at 152 in 1996. Although the number of new sentences has declined since 1996, at least 2574 people are serving such sentences for crimes committed before they were 18 years old.

That research has led Congress to consider action on the issue. The Juvenile Justice Accountability and Improvement Act of 2009 (HR 2289) would require states and the federal government to offer youth offenders meaningful opportunities for parole after serving 15 years of a life sentence.

—Rich Daly, Psychiatric News, 2009

a) What is the writer’s opinion? Is it an informed or an uninformed opinion?

b) What facts are used to back up the opinion?

c) Opinions are biased in nature. List examples of bias in the article. Do they detract from the opinion offered?

d) Can you find words associated with persuasion and argument?

e) What points would someone who held the opposite opinion to the author make?

f) Indicate whether you agree or disagree with the article and why.
Children’s Rights

Children are entitled to all the rights guaranteed by the Universal Declaration of Human Rights and the various treaties that have developed from it. Children are also guaranteed additional rights because they need special protection and care. Children must be able to depend on the adult world to look after them, to defend their rights, and to help them develop and realize their potential.

* A century that began with children having virtually no rights is ending with children having the most powerful legal instrument that not only recognizes but protects their human rights.  
  —Carol Bellamy, UNICEF executive director

The UN Convention on the Rights of the Child—the most widely ratified human rights treaty—outlines children’s unique rights (see Figure 10–23). This Convention is the first legally binding international agreement to include children’s civil and political rights. It also outlines their economic, social, and cultural rights, giving all rights equal emphasis. Work on drafting the Convention began in 1979, the International Year of the Child. Countries that ratify the Convention have a legal and moral obligation to advance the cause of children’s rights through administrative, legislative, judicial, and other measures.

### Children’s Rights in Canada

Canada has taken a number of steps to protect the rights of children. The British Columbia government established the Ministry of Children and Family Development to help communities and families “care for and protect vulnerable children and youth,” as well as “support healthy child and family development to maximize the potential of every child in B.C.” Children’s rights are considered paramount and social workers have the power—and the obligation—to remove children from unsafe environments. In 2006, Mary Ellen Turpel-Lafond became the first Representative for Children and Youth, a new position created in the B.C. legislature. The representative’s role is to act as an advocate for children and youth, protecting their rights and ensuring access to support for those who are vulnerable.

---

<table>
<thead>
<tr>
<th>Article</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-discrimination</td>
<td>The State must protect children from any form of discrimination and take positive steps to promote their rights.</td>
</tr>
<tr>
<td>Best interests of the child</td>
<td>All actions concerning children shall be in their best interests.</td>
</tr>
<tr>
<td>Survival and development</td>
<td>Every child has the inherent right to life, survival, and development.</td>
</tr>
<tr>
<td>The child’s opinion</td>
<td>Children have the right to express their opinions freely and to have their opinion taken into account in any matter affecting the child.</td>
</tr>
<tr>
<td>Freedom of thought, conscience, and religion</td>
<td>Children have the right to freedom of thought, conscience, and religion.</td>
</tr>
<tr>
<td>Health and health services</td>
<td>Children have a right to the highest standard of health and medical care available.</td>
</tr>
<tr>
<td>Education</td>
<td>Children have a right to education, and the State must ensure that primary education is free and compulsory. School discipline shall be consistent with the child’s rights and dignity.</td>
</tr>
<tr>
<td>Child labour</td>
<td>Children have the right to be protected from work that threatens their health, education, or development.</td>
</tr>
</tbody>
</table>

---

**FIGURE 10–23** Some of the substantive provisions of the UN Convention on the Rights of the Child

**Thinking Critically** Why do you think the UN chose these rights as important for children? Why do you think they included rules on how countries should ensure these rights are protected?
Canadian Coalition for the Rights of Children

Shortly after Canada adopted the Convention on the Rights of the Child in 1989, several organizations decided to form the Canadian Coalition for the Rights of Children (CCRC). The CCRC is a network of Canadian organizations and individuals that monitor how well Canada fulfills its obligation to the UN Convention on the Rights of the Child. The coalition has looked into child abuse and neglect, refugee children, education, health care, and other basic rights and freedoms of Canadian children.

Child Poverty

Child poverty is perhaps the single biggest children’s rights issue in Canada. In 1989, the House of Commons passed a resolution “to achieve the goal of eliminating poverty among Canadian children by the year 2000.” Almost 20 years later, the number of children in Canada living below Statistics Canada’s low income cut-off (LICO)—meaning the family spent more than 70 percent of its income on food, clothing, and shelter—had only decreased to 9.5 percent (637,000 children) in 2007 from 11.9 percent (792,000 children) in 1989. This means that about 1 in 10 children in Canada were living in poverty in 2007. In First Nations communities, 1 in 4 children were living in poverty.

There is significant disagreement about how to eliminate child poverty in Canada. Some activists feel that parents with low income should pay lower taxes. This would give them more income and allow them and their families a better standard of living. Others emphasize the need for governments to invest in programs and services for poor children and their families, such as good-quality and affordable child care, housing supplements, and allowances (such as the Child Tax Benefit Program) paid directly to low- and middle-income families.

As you have read in this chapter, the Canadian Charter of Rights and Freedoms defines what rights Canadians are entitled to, which also helps define living standards. You will learn more about living standards in Canada in Chapter 12.

What If…

MP Marc Garneau tabled a private member’s bill (see Chapter 9) in 2009 to establish a Children’s Commissioner for Canada. The commissioner would promote and monitor implementation of the Convention on the Rights of the Child in Canada. What if this private member’s bill passed? How might it improve the rights of children in Canada?

1. Do you think the UN Convention on the Rights of the Child has made a difference in the lives of children in Canada and other countries? Explain.
2. How are children protected in Canada and B.C.?
4. Why do you think Canada has made so little progress since 1989 in ending child poverty?
5. Do you agree with the definition of poverty used by Statistics Canada in the LICO? In a two-column organizer, list the benefits and drawbacks of using such a definition as a way of helping children living in poverty in Canada.

FIGURE 10-24 Access to shelter is a fundamental human right, yet homelessness is on the rise in Canada today. Young people under the age of 18 make up the fastest growing segment of homeless people.

Developing an Understanding What are some of the factors that might account for the numbers of young people living on the streets in Canadian cities?
**CHAPTER FOCUS QUESTION**  What are human rights and how are they protected in Canada?

We live in what could be called the age of human rights. As Canadians, our rights are protected by international, national, and provincial documents.

1. Define human rights in your own words.
2. Create an organizer for human rights issues in each of the following categories: International, Canada, British Columbia. Each organizer will have three columns (see sample below).

<table>
<thead>
<tr>
<th>Documents</th>
<th>E / N</th>
<th>Examples of violations related to the documents</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

a) In the first column, record at least three documents that protect human rights for that category.
b) In the second column, use an “E” to indicate if the protections in the document can be enforced. Use an “N” if the protections are not enforceable.
c) In the third column, describe one or more situations that would be regarded as a violation of human rights related to the document.

**Vocabulary Focus**

3. Review the Key Terms on page 323. Then visit the Pearson Web site to complete a matching activity.

**Knowledge and Understanding**

4. Explain, using examples from this text or other examples that you are familiar with, how the Canadian Charter of Rights and Freedoms protects the human rights of each of the following: women, Aboriginals, gays and lesbians, Sikhs, persons arrested by the police, persons travelling outside Canada, voters, media sources, and Francophones.

5. Since its introduction, the Canadian Charter of Rights and Freedoms has changed the way Canadians think about their rights. Should its protections be extended to the way parents govern their children at home? Should Charter rights apply to limitations placed on students in the school system?

6. Make a list of exceptions to the equality rights in section 15 of the Canadian Charter of Rights and Freedoms that you would consider reasonable under the age category. Compare your list with others, and discuss areas of disagreement.

7. What is the importance of each of the following cases in expanding the Charter rights of Canadians?
   a) Calder vs. B.C.
   b) R. vs. Sparrow
   c) Delgamuukw vs. B.C.

**Critical Thinking**

8. Consider the following situations. Explain why each would or would not be considered a violation of human rights.
   a) In an Islamic country, a woman is stoned after being accused of having an affair.
   b) A woman of a visible minority is refused a university teaching post on the grounds that her qualifications are not sufficient for the job.
c) A Canadian citizen is refused entry to Canada after visiting Africa because he or she is considered a security threat.

d) A Sikh employee is refused permission to wear a turban at work.

e) A gay man is called names as he walks down a Vancouver street.

f) A young man is refused the right to vote because he is 16 and not a Canadian citizen.

g) A protest at a trade conference is broken up by the police using tear gas.

h) A prominent Canadian makes derogatory remarks about Aboriginal people.

i) A qualified man is refused a job because the company says it must give the position to a qualified woman.

9. Summarize the achievements of someone who actively supported human rights. You could choose from these examples: Rosemary Brown or John Diefenbaker in Canada, Rosa Parks or Eleanor Roosevelt in the United States, Mohandas Gandhi in India, Aung San Suu Kyi in Myanmar, Nelson Mandela in South Africa, or Andrei Sakharov in Russia. Organize a classroom bulletin board to display the results of the research. The B.C. Human Rights Tribunal’s Web site is a good place to start (visit Pearson’s Web site).

Document Analysis

10. View Figure 10–25 and answer the following questions:

a) Describe how Neda is portrayed in the poster.

b) What message is being sent by this portrayal?

c) Is there evidence of bias in this photo of Iranian protestors? Provide examples.

d) What freedoms under the Canadian Charter of Rights and Freedoms allow for this type of demonstration?

FIGURE 10–25 Neda, a young girl allegedly killed by the police during the election protests in Iran, became a symbol for rebellion. Her death was filmed by bystanders and broadcast all over the world.
UNIT 3
Study Guide

Use this Study Guide to continue synthesizing your learning about Canadian government and human rights. As you work through the following steps, refer back to the focus questions for Chapters 9 and 10. Look for evidence in your understanding to answer these questions.

STEP 1 Unpacking Knowledge
Use a chart to record terms and concepts you learned in Unit 3, classifying them under the following categories. Highlight items that you have forgotten or cannot define, so you can prioritize what you need to study.

<table>
<thead>
<tr>
<th>Ideologies, Systems of Government, and Political Parties</th>
<th>Canadian Government</th>
<th>Active Citizenship</th>
<th>Elections</th>
<th>Human Rights</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

STEP 2 Organizing Your Understanding
1. Draw the linear political spectrum. Place major ideologies, systems of government, and major Canadian political parties on your spectrum. Next, draw and label a diagram like the Political Compass on page 300. Which representation do you find more useful? Why?

2. Draw a mind map of the factors that make Canada a democracy. Think beyond voting to consider other workings of government that are also democratic.

3. Create a table such as the one below and list two or three specific rights in each category.

<table>
<thead>
<tr>
<th>Fundamental Freedoms (Charter)</th>
<th>Democratic Rights (Charter)</th>
<th>Equality Rights (Charter)</th>
<th>Legal Rights (Charter)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mobility Rights (Charter)</td>
<td>B.C. Human Rights Code</td>
<td>Universal Declaration of Human Rights</td>
<td>Children’s Rights</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
STEP 3  Making Connections

Using a major Canadian national or local newspaper, examine the sections of the paper that deal with national, international, and provincial news. Find and identify as many examples as possible of the following items:

a) Political opinions or government policies that reflect a political ideology. In some cases this will be a direct reference, but in most cases it will be up to you to infer a connection. For example, if you see a statement from the Canadian Taxpayers Federation asking the government to lower taxes, you can write “fiscal conservative.”

b) Stories about rights. Identify the type of right, and if possible, the document that protects that right.

c) Examples of active citizenship.

d) Stories about government or elections.

STEP 4  Applying Your Skills

Media Analysis

Every day, newspaper editors make many decisions—picking a top news story, the wording of headlines, the size and placement of stories, the “slant” of stories, and the selection of images. Use your newspaper from Step 3 to analyze the decisions editors made and what impact they may have had on how we viewed the stories of the day.

Political Advertising Analysis

Visit the Pearson Web site for links to some recent and classic television ads from Canadian and American elections. While viewing each ad, consider:

a) Who produced the ad?

b) Is a certain type of voter targeted by the ad?

c) What is the central message of the ad?

d) What methods does the advertiser use to convince the viewer? (For example, consider music, other sound effects, narrator voice, use of lighting and colour, people shown, and clothing worn.)

e) Is this a positive ad, a negative ad, or a combination of the two?

f) How effective do you find the ad?
Active Citizenship Case Study

Choose one of the scenarios below, and create an active citizenship plan to get involved. Use the strategies for active citizenship and your understanding of the workings of Canadian government and human rights protections from Unit 3.

1. Answer the following questions:
   a) What is the nature of your concern?
   b) Who has the power to make a decision in this case?
   c) Who (individuals, groups, bodies) might be willing to help you?
   d) Who might oppose what you would like to do?

2. Create a chart to consider your options.

<table>
<thead>
<tr>
<th>Strategy</th>
<th>Benefits</th>
<th>Drawbacks</th>
<th>Chance of success with this method</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3. Summarize your action plan.

Scenario 1
The Throne Speech announces a plan by the provincial government of British Columbia or the government of Canada to introduce the following legislation (choose one):
   a) Ban all commercial ocean fisheries for a 10-year period to allow stocks to rebound.
   b) Allow police more power to monitor the Internet sites visited by citizens.
   c) Raise the driving age to 21.
Scenario 2
There is a popular local coffee store chain across the street from your school. On television, you see a news report that exposes new evidence that the coffee being sold is sourced in ways you do not support. The coffee beans are treated with chemical pesticides that threaten the water supply where they are grown and can cause illness in coffee workers. Up to 60 percent of coffee workers in that country are children. Coffee workers are paid less than legal minimum wage, with women and children earning less than men.

STEP 5  Thinking Critically
Now that you have reviewed Unit 3 content, practiced skills, explored sources, and gathered evidence, it is time to synthesize your learning. As you learned in Chapter 9, young Canadians are the least likely of any age group in Canada to vote. Write and deliver a persuasive speech to your classmates presenting the most compelling arguments for informing themselves and for voting on election day. Your speech should include a minimum of three strong arguments supported with appropriate evidence.

Making wise choices about products you use and consume could have an impact on child labour.

The right to vote at 18 years of age is embedded in the Canadian Charter of Rights and Freedoms.

CHECK the Pearson Web site for additional review activities and questions.