



Lakehead University

POLI/CRIM 2313 WA / INDI 2319 WA – Human Rights and Civil Liberties (Winter 2022)
Monday/Wednesday - 8:30 a.m. - 10:00 a.m. - RB 1022

This course will initially be delivered virtually via Zoom as directed by Lakehead University due to the current circumstances of Covid-19. In-person classes will resume, at the earliest, on Monday, January 24th.

Instructor: Mr. Adam Schenk HBA, JD
External Adjunct Professor, Department of Political Science
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If you would like to meet with me over the phone or via Zoom please email me to arrange an appointment.

COURSE DESCRIPTION

The last couple of years have generated serious questions regarding human rights and civil liberties that have been debated on a daily basis. The murder of George Floyd in 2020 and the subsequent protests have forced us to think deeply about the principle of equality, freedom of speech, and a plethora of other issues that lie at the heart of human rights. The restrictions placed on our lives as a result of Covid-19 have caused us to stop and think about some of our most basic liberties, particularly our freedom of mobility, which has been significantly curbed by our governments in an effort to control the pandemic. Questions of human rights and civil liberties are not abstract; they are being asked and debated constantly in our daily lives, whether we realize it or not.

This course will only be able to provide a small taste of the vast, complex, and ever-changing world of human rights. The Canadian approach to human rights and the legal and political efforts to define and protect these rights will be our primary areas of focus, and we will also explore international approaches to human rights and an exploration of current topics and themes in this area from around the globe this semester.

COURSE REQUIREMENTS AND POLICIES

Required Texts:

1. Sharpe, Robert J. and Kent Roach, *The Charter of Rights and Freedoms*, 6th ed. (Toronto: Irwin Law, 2017).
2. DiGiacomo, Gordon ed., *Human Rights: Current Issues and Controversies* (Toronto: University of Toronto Press, 2016).

All readings will be from the required texts unless noted otherwise in the syllabus. You are free to order a hard copy or an e-copy from Lakehead's bookstore. You should have your books, in whatever form, accessible during class.

Course Delivery

This course will be delivered initially via the online video chat application Zoom, which you can access through our Desire2Learn course website (referred to hereafter as our “course site”). This will require regular access to a computer and a stable internet connection. If you struggling to ensure access to the necessary technology, please contact the Student Success Centre as soon as possible.

If you have not yet taken a course via this medium, please take some time familiarize yourself with Zoom and the different features of our course site, and make best efforts to problem solve when if a technical issue presents itself. The limit of my advice if you encounter a software or hardware-related problem will be the famous words of Roy from the television show *The IT Crowd*: “have you tried turning it off and on again?”

All students are expected to have joined the Zoom chat via our course site prior to the beginning of our scheduled class time. The majority of class time will typically be composed of live lectures, with a small portion set aside for class discussion (more detail on this below in the explanation of the participation grade). Please ensure that your microphones are muted during lectures unless you’ve been called on to say something. Please join the Zoom call via your Lakehead University email address, as you may encounter problems if you are accessing our class via a different email login.

Any inappropriate images or audio being circulated via your camera or microphone during lectures will not be tolerated and will be treated with the utmost seriousness. Unless you have previously arranged to record lectures as a disability accommodation with Student Accessibility Services, any type of recording of lectures is absolutely prohibited. Additionally, live lectures should be attended and viewed only by students properly registered in this course.

Grading

- | | |
|------------------|-------|
| - Participation | 10% |
| - Midterm Exam | 12.5% |
| - Final Exam | 25% |
| - Paper Overview | 12.5% |
| - Final Paper | 40% |

Participation

First, some general comments on participation. Everyone is expected attend class regularly and participate in our group discussion throughout the semester, driving it forward by thoughtfully engaging with the readings and one another. The discussion should involve a respectful exchange of ideas that includes a willingness to entertain, and an attempt to understand, points of views with which we may disagree. During discussion, engage one another in a respectful way, listening to one another charitably, and making room for diverse points of view. Our goal should neither be to produce (nor enforce) unanimous opinion, nor to engage in empty debate. Rather our aim should be to pursue the truth together.

Second, some specific comments on when and how you can participate throughout the semester. Lectures will typically run for approximately 45-60 minutes of each class. During the lecture you can feel free to ask a clarifying question or give a comment. The remaining class time will be utilized for group discussion. I may have one or two questions to spark discussion, but hopefully conversation will flow organically based on your thoughts, comments, and subsequent questions you may have. In order to ensure orderly conversation, if you have something to say please press the ‘Raise Hand’ button and wait until you are specifically called upon to unmute your microphone and begin speaking, and remember to mute your microphone and lower your hand once you have concluded.

Finally, some comments on the assessment of the participation grade. Both quality and quantity of participation contributes towards your mark. In order to achieve a grade in the 'A' range you have to participate regularly and provide helpful, meaningful comments. Simply being logged into the lecture regularly (or being in class in person as the case may be) but not contributing to our discussion will not result in a high grade.

Exams

Both the midterm and final exam will have some combination of multiple choice, fill-in-the-blank and true or false questions. Additional information regarding the delivery of the exams will be provided in class and/or via email. In order to prepare for your exams you are expected to meaningfully read the assigned readings and take appropriate notes during lectures. The midterm exam will cover all lectures and assigned readings covered to that point in the semester, while the final exam will cover all content covered over the entirety of the semester.

Your midterm exam will take place during our normal class time on March 7, 2022. Consult the university's exam dates and times for the date for your final exam once this information becomes available.

Guidelines for Submission of the Paper Overview and Final Paper

All assignments are to be submitted to me via email (awschenk@lakeheadu.ca, not through our course site). All assignments must be in PDF form; submitting your paper in PDF form ensures that I see your paper exactly as you've submitted it, whereas assignments submitted as a Word document may have inadvertent formatting issues if you've written them in an older version of Word and I open it in a newer version. Submitting in a format other than PDF attracts an automatic 10% deduction on your assignment.

In regards to late submissions, unless you experience a sudden medical or personal emergency that prevents you from submitting an assignment or you have been explicitly given a prior extension from me, assignments that are not submitted by the date and time assigned will receive a grade of 0. There is no sliding scale of percentage points that you will lose if it is late by a certain number of days. For complete clarity, if your paper is emailed to me one minute after the deadline, the grade for the paper is 0. This policy is applied automatically and without exception. Fortunately, avoiding this penalty is extremely simple: manage your time properly and don't leave assignments until the last minute.

This does not, however, mean that extensions are not available in appropriate circumstances. If you have experienced a personal or medical issue that may prevent you from submitting your assignment on time please do contact me as soon as possible to discuss a potential extension. It is incumbent on you to be as proactive as possible. Do not request extensions because you have a number of other assignments in other courses due around the same time or you simply haven't given yourself enough time to complete the assignment; time management is your responsibility and a crucial skill to develop and hone as an undergraduate student. Do not request an extension because you have suffered some type of technological mishap; make sure you're regularly backing up documents in multiple places in case something goes wrong.

Expectations for the Final Paper

Your final paper needs to comply with the following requirements:

1. Topic: Your paper must involve a comparative analysis of a constitutionally-protected human right between at least two sovereign states. For instance, an acceptable topic could be a comparison of Canadian and American protections of freedom of speech. Feel free to discuss your topic with me if you're concerned that it may not fit the topic criteria.

2. Thesis Statements: This is a formal, academic essay, which means that it must have as its foundation a persuasive thesis statement wherein you establish a meaningful and insightful position which you support throughout the body of your essay. Using the example topic above, simply telling me that you are going to look at Canadian and American protections of freedom of speech is not a persuasive thesis statement. If I have difficulty readily identifying your thesis statement when I read your introduction then there is a major problem!
3. Word Count: Your final paper must be between 2500-3000 words. Words on your title page or in your footnotes or bibliography do not count towards your word count. This word count is very wide and as a result is non-flexible; if your paper is outside the word limit expect a significant deduction to your grade.
4. Sources: You must cite at least five proper secondary sources in your paper. These are sources that you actually utilize in your paper, not simply sources that you've consulted and just included in your bibliography. For clarity, only the following types of sources will count towards your secondary source total: 1) academic journal articles, 2) academic books, or 3) case law. Other types of sources may be utilized where appropriate, but will not count towards your source total. While you are welcome to cite our course texts, they do not count towards your source total.
5. Formatting and Citations: While I prefer papers written in accordance with the Turabian/Chicago style, I am open to other formatting styles so long as formatting is clear, consistent, and thorough. I do, however, expect the following: 1) a formal, standalone title page, 2) footnotes as opposed to endnotes or in-text references, 3) a complete bibliography, and 4) Times New Roman 12-point font used throughout your paper.
6. Deadline: Your final paper must be submitted no later than 11:59 p.m. on April 6, 2022.

Expectations for the Overview

Your overview should cover the major elements of your final paper, clearly identifying what you are arguing and briefly showing how you will be building this argument. This assignment gives you an opportunity to receive feedback on your plan for your final paper.

Your overview needs to comply with the following requirements:

1. Necessary Elements: You must have the following elements in your overview:
 - a. Title: Include a simple title for your overview, identifying your topic and also providing your name and student number.
 - b. Thesis: Your overview needs to begin with your thesis statement written in full, as it would appear in your final paper.
 - c. Overview of Major Topics: Your major areas of analysis and argument should be clearly identified and briefly explained to give the reader an idea of how you will be developing your paper. It is fine to do this with bullet points, but you should still utilize full sentences with proper spelling, grammar, and punctuation.
 - d. Two Sources: Your overview needs to identify two of the academic secondary sources that you will utilize in your final paper, each accompanied with a brief statement of what the source is about and how you anticipate using it in your paper. You can choose to do this either as a separate section of your overview, or within your explanation of your major topics.

2. Formatting: Your overview should be at least one half of a page, but no more than one full page, with single-spaced, 12-point Times New Roman font throughout.
3. Deadline: Your overview must be submitted no later than 11:59 p.m. on March 2, 2022.

Marks and Feedback

All of your marks will be provided to you via myInfo. Feedback will be provided exclusively via our course site. Your individual feedback accompanying each of your marks will be viewable under the 'Assignments' tab.

Academic Honesty

Academic honesty is expected of all Lakehead University students. Cheating, collusion, and plagiarism will not be tolerated. Students are expected to make themselves fully familiar with Lakehead's policy in this area. Although all these policies will be enforced in full, it is worth emphasizing the following:

Plagiarism involves presenting another's work, ideas, theories, or interpretation as one's own.

To avoid plagiarism, writers should always:

1. Put quotation marks around any words from sources
2. Paraphrase material completely; changing (with the help of a thesaurus) or rearranging a few words or the tense of a verb is not paraphrasing.
3. Give accurate and complete citations for all material *including paraphrased material*.
4. Avoid borrowing entire arguments or approaches to a subject from another writer. Make it 'original' while staying faithful to the assignment parameters.

Email Correspondence

I am very happy to answer questions over email, but there are basic expectations regarding how emails should be written and sent. I expect that your emails to me are written with attention given to basic spelling, grammar, and punctuation. If I receive an email that has the appearance of a hastily typed text message, you should not expect an email in reply. I also expect that before you ask me a question you have consulted the syllabus to see if the answer is there.

Academic Supports

If you feel that you're in need of academic assistance in a particular area, I encourage you to utilize the resources of Lakehead's Academic Support Zone (<https://www.lakeheadu.ca/students/academic-success/student-success-centre/academic-support-zone>). The Academic Support Zone can provide assistance in a variety of different areas, including specific supports for writing papers.

Disability Accommodations

Lakehead University is committed to achieving full accessibility for persons with disabilities. Part of this commitment includes arranging academic accommodations for students with disabilities and/or medical conditions to ensure they have an equitable opportunity to participate in all of their academic activities. If you are a student

with a disability and think you may need accommodations, you are strongly encouraged to contact Student Accessibility Services (SAS) and register as early as possible. For more information, please contact Student Accessibility Services <http://studentaccessibility.lakeheadu.ca> (SC0003, 343-8047 or sas@lakeheadu.ca)

Mental Health Resources

As a university student, you may sometimes experience mental health concerns or stressful events that interfere with your academic performance and negatively impact your daily activities.

All of us can benefit from support during times of struggle. If you or anyone you know experiences academic stress, difficult life events or feelings of anxiety or depression, Student Health and Wellness is here to help. Their services are free for Lakehead Students and appointments are available. You can learn more about confidential mental health services available on and off campus at lakeheadu.ca/shw.

Remember that getting help is a smart and courageous thing to do - for yourself, for those you care about, and for those who care about you. Asking for support sooner rather than later is almost always helpful.

Dealing with Difficult Course Content

The study of human rights and civil liberties in some instances necessitates consideration of violations of basic rights and freedoms in the forms of violence and other types of mistreatments. While it is sometimes necessary to confront some unpleasant history and legal cases in order to understand how these violations of rights and freedoms occurred and how they can be better safeguarded in the future, this may inadvertently trigger unpleasant personal memories and emotions if the issues we are discussing relate in some way to troubling experiences you have had. If this is the case for you (or upon reviewing a particular assigned reading you believe this may be the case), you may certainly excuse yourself from class or asked to be excused from a particular class ahead of time. Please feel free to contact me about this issue and/or utilize Lakehead's mental health supports via Student Health and Wellness.

COURSE SCHEDULE

Readings are from the assigned texts unless otherwise noted. If the class topic is on particular sections of our constitution, you are responsible for reading those sections. The course schedule and assigned readings are potentially subject to change at the discretion of the instructor.

Date	Topic	Assigned Readings
January 10	Course Overview and Syllabus Explanation	N/A
January 12	Introduction to Human Rights and Civil Liberties	<i>HRCIC</i> , 30-49
January 17	An Overview of Human Rights in Canada	<i>HRCIC</i> , 1-26
January 19	Canadian Courts and the Protection and Interpretation of Rights	<i>TCRF</i> , 27-46; 48-64
January 24	<i>CCRF</i> , ss. 1, 29 and 33: Guarantees and Limits of Rights	<i>TCRF</i> , 67-82, 95-100
January 26	<i>CCRF</i> , s. 2(a): Religion and Human Rights	<i>TCRF</i> , 140-163
January 31	<i>CCRF</i> , s. 2(b): Freedom of Expression	<i>TCRF</i> , 166-195
February 2	<i>CCRF</i> , ss. 3 and 6: Voting and Mobility	<i>TCRF</i> , 219-243
February 7	<i>CCRF</i> , s. 7: Life, Liberty and Security of the Person	<i>TCRF</i> , 244-255, 269-292
February 9	<i>CCRF</i> , ss. 7-9: Rights in the Process of Criminal Law, Pt. 1	<i>TCRF</i> , 294-321
February 14	<i>CCRF</i> , ss. 10-12: Rights in the Process of Criminal Law, Pt. 2	<i>TCRF</i> , 321-341
February 16	<i>CCRF</i> , ss. 15, 27 and 28: Equality, Multiculturalism and Gender	<i>TCRF</i> , 367-404
February 21	READING WEEK	N/A
February 23	READING WEEK	N/A
February 28	Ss. 25 and 35 of the <i>Constitution Act, 1982</i> : Indigenous Rights	<i>HRCIC</i> , 218-235
March 2	Catch-up Date/Exam Review	N/A
March 7	Midterm Exam	N/A
March 9	Federalism and Human Rights in the United States	<i>HRCIC</i> , 83-108
March 14	NGOs and Human Rights	<i>HRCIC</i> , 114-135
March 16	Human Rights, Climate Change and Technology	<i>HRCIC</i> , 411-428, 461-479
March 21	Museums, Monuments and Human Rights	E. Perot Bissell, "Monuments to the Confederacy and the Right to Destroy in Cultural-Property Law", <i>Yale Law Journal</i> 128, Issue 4. (available online via Lakehead University Library)
March 23	Human Rights and Children	<i>HRCIC</i> , 168-187; selected portions of <i>AC v Manitoba</i> that will be provided on course site
March 28	Healthcare and the Right to Health	Michael Krennerich, "The Human Right to Health: Fundamentals of a Complex Right" <i>Healthcare as a Human Rights Issue</i> , eds. Klotz et al (Bielefeld, Germany: transcript Verlag, 2017), 23-54. (available online via Lakehead University Library)
March 30	Cancellation Date	TBA
April 4	Cancellation Date	TBA
April 6	Course Review	N/A