



Lakehead University
POLI/CRIM 2313 / INDI 2319 FB – Human Rights and Civil Liberties (Fall 2023)
Monday/Wednesday - 4:00 p.m. – 5:30 p.m. - RB 1023

Instructor: Mr. Adam Schenk JD, HBA
External Adjunct Professor, Department of Political Science
Email: awschenk@lakeheadu.ca (Please do not send me a message via myInfo)

Please email me or speak to me after class if you would like to arrange an appointment to meet with me in person, over the phone, or via Zoom for a course-related discussion.

COURSE DESCRIPTION

The last several years have generated serious questions regarding human rights and civil liberties that have been debated on a daily basis. For example, 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*, 7th ed. (Toronto: Irwin Law, 2021).
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.

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 take up approximately 45-60 minutes of each class. During the lecture you are always free to raise your hand to ask a clarifying question or give a comment. The rest of class time will be utilized for group discussion. I may pose questions during the course of the lecture to spark discussion, but hopefully conversation will flow organically based on your thoughts, comments, and subsequent questions you may have. You may notice that a number of classes have not been assigned any readings, which was done intentionally to provide room for class discussion. It is completely fine if we do not get through all of the content for a particular class on its assigned date because of the length of class discussion (and in fact I anticipate this will happen on a number of occasions given that it occurred frequently in previous iterations of this course). I will keep you up-to-date on where we are in the reading list as we move through the semester.

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 in class 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 **Monday, October 30, 2023**. Consult the university's exam dates and times for the date for your final exam once this information becomes available. Both exams for this course will be administered entirely online via our course website.

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 submitted after the deadline receive a penalty to their grade. Assignments submitted within 24 hours after the deadline receive a 25% deduction; assignments submitted between 24-48 hours after the deadline receive a 50% deduction; assignments submitted more than 48 hours after the deadline do not receive any marks. Avoiding these penalties 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 (you cannot use this example topic as your paper topic). 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, such as government-produced documents, 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. Avoid reliance on website sources (such as the government's Charterpedia site) wherever possible.
5. Formatting and Citations: While I prefer papers written in accordance with the Turabian/Chicago style, you may also format your paper in accordance with APA or MLA format. Regardless of the format you choose, you must ensure that your paper includes 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 Thursday, November 30, 2023.**

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 Tuesday, October 24, 2023.**

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
September 6	Course Overview and Syllabus Explanation	N/A
September 11	Introduction to Human Rights and Civil Liberties	<i>HRCIC</i> , 30-49
September 13	An Overview of Human Rights in Canada	<i>HRCIC</i> , 1-26
September 18	Canadian Courts and the Protection and Interpretation of Rights	<i>TCRF</i> , 29-70
September 20	<i>CCRF</i> , ss. 1, 29 and 33: Guarantees and Limits of Rights	<i>TCRF</i> , 71-87, 101-108
September 25	<i>CCRF</i> , s. 2(a): Religion and Human Rights	<i>TCRF</i> , 149-175
September 27	<i>CCRF</i> , s. 2(b): Freedom of Expression	<i>TCRF</i> , 176-211
October 2	<i>CCRF</i> , ss. 3 and 6: Voting and Mobility	<i>TCRF</i> , 231-257
October 4	<i>CCRF</i> , s. 7: Life, Liberty and Security of the Person	<i>TCRF</i> , 258-268, 284-305
October 16	<i>CCRF</i> , ss. 7-9: Rights in the Process of Criminal Law, Pt. 1	<i>TCRF</i> , 309-337
October 18	<i>CCRF</i> , ss. 10-12: Rights in the Process of Criminal Law, Pt. 2	<i>TCRF</i> , 337-360
October 23	<i>CCRF</i> , ss. 15, 27 and 28: Equality, Multiculturalism and Gender	<i>TCRF</i> , 385-425
October 25	Ss. 25 and 35 of the <i>Constitution Act, 1982</i> : Indigenous Rights	<i>HRCIC</i> , 218-235
October 30	Midterm Exam	N/A
November 1	Federalism and Human Rights in the United States	<i>HRCIC</i> , 83-108
November 6	NGOs and Human Rights	<i>HRCIC</i> , 114-135
November 8	Human Rights, Technology, and Climate Change	<i>HRCIC</i> , 411-428, 461-479
November 13	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)
November 15	Human Rights, Healthcare, and Children	Edited versions of 1) <i>Cambie Surgeries Corp v British Columbia</i> (2022, BCCA); and 2) <i>AC v Manitoba</i> (2009, SCC), which can be found on our course site.
November 20	<i>TBD</i>	<i>TBD</i>
November 22	<i>TBD</i>	<i>TBD</i>
November 27	<i>TBD</i>	<i>TBD</i>
November 29	<i>TBD</i>	<i>TBD</i>
December 4	<i>TBD</i>	<i>TBD</i>