

## The Justice System Responds

### Lesson Plan: Law 11; Law 12

**Key themes:** Promoting and Protecting human dignity

**Estimated Time:** 60 minutes

### Lesson Steps

- Discuss Pre-Viewing Question with students
- View the clips of (approximate running time: 16 minutes)
- Discuss the role of the victim in assessing the impact of hate crimes
- Have students do one of the two Activities

### Pre-Viewing Questions

- 1) How useful is it to ask the courts to provide protection in incidents of hatred and discrimination?
- 2) What, as a society, do we set up formal systems of protecting rights?
- 3) What kind of informal ways can you think of to address the harm of hatred and discrimination? Are these more or less effective?

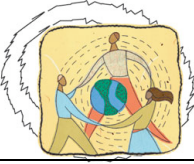
### Post Viewing Questions

- 1) Why is it important to focus on the impact of the discrimination on the victim?
- 2) What is the effect of shifting the legal discussion from the intention or action of the offender to the impact on the victim?

### Activities

- 1.) In *Law v. Canada (Minister of Employment and Immigration)*, [1999] 1 S.C.R. 497 at 530, Iacobucci J. described the importance of human dignity:

Human dignity means that an individual or group feels self-respect and self-worth. It is concerned with physical and psychological integrity and empowerment. Human dignity is harmed by unfair treatment premised upon personal traits or circumstances which do not relate to individual needs, capacities, or merits. It is enhanced by laws which are sensitive to the needs, capacities, and merits of different individuals, taking into account the context underlying their differences. Human dignity is harmed when individuals and groups are marginalized, ignored, or devalued, and is



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enhanced when laws recognize the full place of all individuals and groups within Canadian society.

Have students write a reflection on this statement that considers the degree to which they agree with this statement.

As a class, discuss student's opinions about whether the justice system has been successful in creating and enforcing adequate protections to promote human dignity.

Distribute the summary of the *Law v. Canada* case (OJEN Landmark Case Package available online)

2). The *Ontario Human Rights Code*, R.S.O. 1990, c. H.19, recognizes the importance of protecting the dignity of all persons. The preamble states that "the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world". It goes on to say:

[I]t is public policy in Ontario to recognize the dignity and worth of every person and to provide for equal rights and opportunities without discrimination that is contrary to law, and having as its aim the creation of a climate of understanding and mutual respect for the dignity and worth of each person so that each person feels a part of the community and able to contribute fully to the development and well-being of the community and the Province

Brainstorm ways that the justice system can create a "climate of understanding and mutual respect"? Have students prepare an argument for and against the proposition that this occurring in contemporary society?

### Related OJEN Resources ([www.ojen.ca](http://www.ojen.ca))

**Landmark Case Package: *Law v. Canada*** (includes plain language case summary, discussion questions, worksheets and activities)