

# Canadian and International Law, Grade 12

## University Preparation

CLN4U

This course explores a range of contemporary legal issues and how they are addressed in both Canadian and international law. Students will develop an understanding of the principles of Canadian and international law and of issues related to human rights and freedoms, conflict resolution, and criminal, environmental, and workplace law, both in Canada and internationally. Students will apply the concepts of legal thinking and the legal studies inquiry process, and will develop legal reasoning skills, when investigating these and other issues in both Canadian and international contexts.

**Prerequisite:** Any university or university/college preparation course in Canadian and world studies, English, or social sciences and humanities.

### OVERVIEW

The course has five strands. Instruction and learning related to the expectations in strand A are to be interwoven with instruction and learning related to expectations from the other four strands. Strand A must not be seen as independent of the other strands. Student achievement of the expectations in strand A is to be assessed and evaluated *throughout* the course.

### Strand A

A. The Inquiry Process and Skill Development in Legal Studies
<b>Overall Expectations</b>
<b>A1. The Inquiry Process in Legal Studies:</b> use the legal studies inquiry process and the concepts of legal thinking when investigating legal issues in Canada and around the world, and issues relating to international law
<b>A2. Developing Transferable Skills:</b> apply in everyday contexts skills developed through the study of law, and identify careers in which a background in law might be an asset

(continued)

**Overview** *(continued)*

Throughout this course, when planning instruction, teachers should weave the expectations from strand A in with the expectations from strands B–E.

**Strands B–E**

Overall Expectations and Related Concepts of Legal Thinking	Big Ideas*	Framing Questions*
<b>B. Legal Foundations</b>		
<b>B1. Principles of Law:</b> identify foundational concepts and principles relating to law and explain their significance ( <b>FOCUS ON:</b> <i>Legal Significance</i> )	Law is based on principles derived from beliefs about how a just society should function.	What are some key influences on the development of law?  How do beliefs in Canadian society about the rule of law, democracy, and an independent judiciary influence the legislative process?
<b>B2. Legal Theory and Procedures:</b> analyse how and to what extent various legal theories and procedures have influenced the Canadian and international legal systems ( <b>FOCUS ON:</b> <i>Interrelationships; Legal Perspective</i> )	Law changes over time in response to a variety of factors, including social values, technological advances, and political trends.	What is the difference between domestic and international law?  How do different types of law affect you in your everyday life?
<b>B3. Development of Law:</b> explain various influences, including those of individuals and groups, on the development of Canadian and international law ( <b>FOCUS ON:</b> <i>Continuity and Change</i> )	Laws are socially constructed – that is, individuals, groups, and governments influence the development of law.	Who has the power to make and influence legal decisions?
<b>C. Rights and Freedoms</b>		
<b>C1. Legal Principles of Human Rights Law:</b> explain the principles underpinning human rights law and the legal significance of those laws, in Canada and internationally ( <b>FOCUS ON:</b> <i>Legal Significance</i> )	The Canadian Charter of Rights and Freedoms reflects Canadian human rights principles.	What are human rights? Are they the same in all countries?  How does the law balance competing human rights?
<b>C2. Development of Human Rights Law:</b> analyse issues associated with the development of human rights law, in Canada and internationally ( <b>FOCUS ON:</b> <i>Continuity and Change</i> )	The belief in the protection and promotion of human rights in Canada and the world has developed gradually through the efforts of individuals and groups.	What are some barriers to the achievement of human rights?  Do the Canadian Charter of Rights and Freedoms and international conventions effectively protect people’s rights?
<b>C3. Protection of Human Rights and Freedoms:</b> compare the roles of the legislative and judicial branches of government in protecting human rights and freedoms, with a particular emphasis on Canada ( <b>FOCUS ON:</b> <i>Legal Significance; Interrelationships; Legal Perspective</i> )	Different branches of government work alongside each other in developing, interpreting, and enforcing human rights legislation.	How can we use the law to respond to rights abuses?
<b>C4. Contemporary Issues:</b> analyse various contemporary issues in relation to their impact or potential impact on human rights law ( <b>FOCUS ON:</b> <i>Legal Perspective</i> )	Human rights are sometimes limited and/or threatened in Canada and around the world.	

\* See page 17 for a discussion of the purpose of big ideas and framing questions.

Overall Expectations and Related Concepts of Legal Thinking	Big Ideas*	Framing Questions*
<b>D. Foundations of International Law and Dispute Resolution</b>		
<b>D1. Fundamentals of International Law:</b> explain the legal importance of various key principles and issues in international law ( <b>FOCUS ON:</b> <i>Legal Significance</i> )	Different legal principles are sometimes in competition in international law.	Can there ever be a good reason for a nation to refuse to sign a particular international agreement?
<b>D2. Development of International Law:</b> analyse how various factors have influenced the development of international law ( <b>FOCUS ON:</b> <i>Legal Significance; Continuity and Change</i> )	Changes in international law reflect ideological and social shifts, historical events, political agendas, economic realities, and current priorities.	What is the role of the United Nations in developing international cooperation?  Is Canada a good global citizen in terms of international laws?
<b>D3. Conflict and Cooperation:</b> analyse how various agreements, treaties, and conventions in international law influence international conflict and cooperation ( <b>FOCUS ON:</b> <i>Legal Significance; Interrelationships; Legal Perspective</i> )	International agreements can limit the freedom of action of states.  Many international agreements are intended to promote stability in international relations.	Should international protocols be enforced?
<b>E. International Legal Issues</b>		
<b>E1. Criminal Law:</b> analyse various concepts, legal systems, and issues in criminal law, in Canada and internationally ( <b>FOCUS ON:</b> <i>Legal Significance; Interrelationships; Legal Perspective</i> )	International criminal law is designed to prevent serious atrocities and to prosecute individuals who have committed such atrocities, including war crimes, genocide, and crimes against humanity.	Why is the International Criminal Court important?  How effective are international agreements and conventions?  Do international laws effectively protect nature?
<b>E2. Environmental Protection:</b> analyse factors that influence the effectiveness of domestic and international environmental legislation ( <b>FOCUS ON:</b> <i>Continuity and Change; Legal Perspective</i> )	Influential states lobby for or against international environmental legislation, depending on their beliefs and interests.	Do laws related to the workplace benefit workers, company owners, or both?
<b>E3. Workplace Legal Issues:</b> analyse legal principles, systems, and processes used to protect various parties' interests in the workplace, in Canada and internationally ( <b>FOCUS ON:</b> <i>Legal Significance; Interrelationships</i> )	Employment law attempts to balance the rights of business owners and workers.	
<b>E4. Emerging Legal Issues:</b> analyse emerging global issues and their implications for international law ( <b>FOCUS ON:</b> <i>Legal Perspective</i> )	There can be both advantages and disadvantages for countries participating in international agreements.	

# A. THE INQUIRY PROCESS AND SKILL DEVELOPMENT IN LEGAL STUDIES

## OVERALL EXPECTATIONS

Throughout this course, students will:

- A1. The Inquiry Process in Legal Studies:** use the legal studies inquiry process and the concepts of legal thinking when investigating legal issues in Canada and around the world, and issues relating to international law;
- A2. Developing Transferable Skills:** apply in everyday contexts skills developed through the study of law, and identify careers in which a background in law might be an asset.

## SPECIFIC EXPECTATIONS

### A1. The Inquiry Process in Legal Studies

Throughout this course, students will:

- A1.1** formulate different types of questions to guide investigations into legal issues in Canada and around the world, and issues relating to international law (e.g., factual questions: *What are my rights and responsibilities under the Charter?*; comparative questions: *What are the advantages and disadvantages of different ways of solving international disputes?*; causal questions: *What are some of the effects of advances in DNA testing on Canada's criminal justice system?*)
  - A1.2** select and organize relevant evidence and information from primary and secondary sources (e.g., primary: *case law, legislation*; secondary: *newspaper and magazine articles, textbooks and other books, websites, legal commentary in journals*)
  - A1.3** assess the credibility of sources relevant to their investigations (e.g., *establish criteria to help determine the reliability, accuracy, and relevance of information; compare how the evidence is constructed or presented in different sources; consider the influence of factors such as bias, audience, purpose, context, and values*)
- Sample questions:** "How was the information created?" "Whose views are reinforced in this source? Whose are absent or overlooked?" "For what explicit or implicit purpose does the source seem to have been created?"

**A1.4** interpret and analyse legal issues (e.g., *debates about laws governing the use of various controlled substances*) using evidence and information relevant to their investigations and a variety of tools and strategies and taking into account relevant legal theories and ethical and equity concerns

**A1.5** use the concepts of legal thinking (i.e., legal significance, continuity and change, interrelationships, and legal perspective) when analysing, evaluating evidence about, and formulating conclusions and/or judgements regarding legal issues in Canada and around the world, and issues relating to international law (e.g., *apply the concept of legal significance to help assess whether a case should be recognized as a landmark case; take the concept of continuity and change into consideration when investigating how developments in the use of DNA evidence may challenge the presumption of innocence; use the concept of interrelationships when investigating how language barriers, cultural differences, hearing and/or visual impairment, or mental health issues might complicate legal processes; use the concept of legal perspective when analysing positions on capital punishment*)

**Sample questions:** "Which concept or concepts of legal thinking might be particularly relevant if you were investigating the legal issues that might arise if a criminal act were committed on a cruise ship sailing in international waters and involving passengers of different nationalities? Why do you think these concepts would be particularly appropriate in this context?" "Why

would it be appropriate to apply the concept of legal perspective when investigating how environmental laws balance various competing interests in matters related to resource extraction and/or use?”

- A1.6** evaluate and synthesize their findings to formulate conclusions and/or make informed judgements or predictions about the issues they are investigating

*Sample question:* “What are the key factors that had a bearing on the decision in the case of *Rasouli v. Sunnybrook Health Sciences Centre* (2013)?”

- A1.7** communicate their ideas, arguments, and conclusions using various formats and styles, as appropriate for the audience and purpose (e.g., *an essay on the impact of key changes to human rights law in Canada or another country; a mock trial involving an issue that might come before the International Criminal Court; a debate that addresses competing interests and issues relating to laws regulating the transportation of hazardous materials; a graphic organizer that highlights the principles and goals of the Canadian justice system, showing which ones have changed and which have remained constant; a seminar on the pros and cons of different systems of justice*)

- A1.8** use accepted forms of documentation (e.g., *footnotes or endnotes, author/date citations, reference lists, bibliographies, credits*) to acknowledge different types of sources (e.g., *legal references [case law, legislation], websites, blogs, books, journals, articles, oral evidence/interviews, archival sources*)

- A1.9** use terminology appropriate to the audience and purpose when communicating the results of their investigations (e.g., *vocabulary specific to their inquiry; terminology related to the law and legal processes*)

## A2. Developing Transferable Skills

Throughout this course, students will:

- A2.1** describe ways in which investigations related to law can help them develop skills, including the essential skills in the Ontario Skills Passport (e.g., *graphing, oral communication, technological, numeracy, literacy, decision-making skills*), that can be transferred to postsecondary opportunities, the world of work, and everyday life

- A2.2** apply in everyday contexts skills and work habits developed through and relevant to the study of law (e.g., *critical-thinking skills used to evaluate the validity of arguments, reasoning skills used to draw inferences from evidence, oral communication skills*)

- A2.3** use the concepts of legal thinking when analysing current events related to legal issues in order to enhance their understanding of these events and their role as informed citizens (e.g., *to identify competing rights of stakeholders in current controversial issues; to understand rulings related to due process and the admissibility of evidence in trials*)

- A2.4** identify careers in which a law background might be useful (e.g., *business owner, non-governmental organization staff member, lawyer, negotiator, mediator, diplomat*)

# B. LEGAL FOUNDATIONS

## OVERALL EXPECTATIONS

By the end of this course, students will:

- B1. Principles of Law:** identify foundational concepts and principles relating to law and explain their significance (**FOCUS ON:** *Legal Significance*)
- B2. Legal Theory and Procedures:** analyse how and to what extent various legal theories and procedures have influenced the Canadian and international legal systems (**FOCUS ON:** *Interrelationships; Legal Perspective*)
- B3. Development of Law:** explain various influences, including those of individuals and groups, on the development of Canadian and international law (**FOCUS ON:** *Continuity and Change*)

## SPECIFIC EXPECTATIONS

### B1. Principles of Law

**FOCUS ON:** *Legal Significance*

By the end of this course, students will:

- B1.1** explain the significance of various legal and political concepts and terms used in discussions of national and international affairs (e.g., *democracy, justice, equity, equality, rule of law, judicial independence, jurisprudence, parliamentary supremacy, sovereignty, country, state, republic, federation, jurisdiction*)
- B1.2** explain how various non-legal influences have affected and/or continue to affect laws, legal thinking, and judgements (e.g., *with reference to religion, philosophy, history, customs and conventions, changing values, scholarly debate*)  
*Sample questions:* “What are some ways in which values/practices related to religion influenced past laws or legal judgements in Canada? What are some ways in which legal thinking has changed as the country has become more multicultural and/or adopted more secular values?”
- B1.3** explain the distinctions between domestic and international law, substantive and procedural law, public and civil law, and various areas of law (e.g., *tort, family, constitutional, contract, trade law*)
- B1.4** explain how different types of law affect people’s everyday lives (e.g., public law: *criminal, administrative, constitutional*; civil law: *tort, family, employment, contract, estate, property*)

### B2. Legal Theory and Procedures

**FOCUS ON:** *Interrelationships; Legal Perspective*

By the end of this course, students will:

- B2.1** evaluate from a legal perspective the relative influence of various theories and perspectives (e.g., *theory of natural law, theory of positive law, legal realism, feminist theory, critical race theory; First Nations, Métis, and Inuit perspectives; religious perspectives*) on the interpretation and administration of laws and legal processes
- B2.2** explain from a legal perspective how various physiological, psychological, and sociological theories of criminal behaviour (e.g., *theories of Lombroso, Beccaria, Durkheim, Merton, Edwin Sutherland, Freud*) have influenced criminal law (e.g., *impact of various theories on sentencing practices*)
- B2.3** explain various historical and contemporary methods and systems for adjudicating legal questions (e.g., *trial by ordeal, trial by combat, trial by jury; adversarial versus inquisitorial systems; Aboriginal sentencing circles and other indigenous legal practices; religious mediation; International Court of Justice; military tribunals*)
- B2.4** assess the relative effectiveness of various legal or political means used by individuals and groups to advocate for legal reform (e.g., *lobbying by pressure and stakeholder groups; voting; citizens’ petitions; court challenges; court*

*interventions; civil disobedience; peaceful or violent protest; electronic lobbying, including social media campaigns)*

**Sample questions:** “What are some instances in which political protests have contributed to legal reform in Canada? Do you think activism and social protest have been more effective than pursuing change through court challenges?”

### B3. Development of Law

**FOCUS ON:** *Continuity and Change*

By the end of this course, students will:

**B3.1** identify some key issues and developments that have influenced legal change (*e.g., technological developments, national and international events, natural and human disasters, media campaigns, issues related to religious or cultural customs*) and explain how they promoted and/or prevented change

**Sample questions:** “What are some legal challenges that have arisen in Canada in response to the customs or practices of specific religious groups? What is the impact, or potential impact, of the Supreme Court decision in *R. v. N.S.*, 2012, affirming that in some circumstances a witness in court may wear a niqab when testifying?”  
“What are some legal issues that have emerged with the widespread use of social media? What are some new laws that have been adopted to address cyberbullying, online harassment, and/or privacy issues related to social media use?”

**B3.2** explain how evolving social attitudes, values, and circumstances have promoted or prevented changes in various areas of Canadian and international law over time, and might do so in the future (*e.g., laws relating to women’s*

*rights, environmental protection, the rights of indigenous peoples, the rights of the dying, gender identity rights, polygamy, reproductive rights, recognition of fundamental freedoms, independence of the judiciary, democratic [voting] rights, individual liberties under counter-terrorism laws)*

**Sample questions:** “What social attitudes are reflected in the Supreme Court of Canada’s decision in *Murdoch v. Murdoch* (1973)? How did the reaction to that ruling contribute to reform of provincial laws on the division of property upon divorce?”

**B3.3** explain the reasons of various individuals and groups for seeking legal reform (*e.g., individuals: Clara Brett Martin, Viola Desmond, Mary Two-Axe Early, Sandra Lovelace, Martin Luther King, Aung San Suu Kyi, Shirin Ebadi, Lu Xiaobo, Cesar Chavez, Oscar Romero; groups: the Assembly of First Nations, Amnesty International, Greenpeace, the Sierra Club, the Canadian Civil Liberties Association, the Women’s Legal Education and Action Fund*), and assess the significance of specific instances where the advocated reforms have been achieved

**Sample questions:** “What injustices did Cesar Chavez seek to end? What is legally significant about the outcome of his work?”  
“What is Jordan’s Principle? How did the campaign for Jordan’s Principle lead to a change in the way some First Nations children receive health care? Do you think the legal reforms adequately addressed the issues that led to the campaign?”

# C. RIGHTS AND FREEDOMS

## OVERALL EXPECTATIONS

By the end of this course, students will:

- C1. Legal Principles of Human Rights Law:** explain the principles underpinning human rights law and the legal significance of those laws, in Canada and internationally (**FOCUS ON:** *Legal Significance*)
- C2. Development of Human Rights Law:** analyse issues associated with the development of human rights law, in Canada and internationally (**FOCUS ON:** *Continuity and Change*)
- C3. Protection of Human Rights and Freedoms:** compare the roles of the legislative and judicial branches of government in protecting human rights and freedoms, with a particular emphasis on Canada (**FOCUS ON:** *Legal Significance; Interrelationships; Legal Perspective*)
- C4. Contemporary Issues:** analyse various contemporary issues in relation to their impact or potential impact on human rights law (**FOCUS ON:** *Legal Perspective*)

## SPECIFIC EXPECTATIONS

### C1. Legal Principles of Human Rights Law

**FOCUS ON:** *Legal Significance*

By the end of this course, students will:

- C1.1** compare the Canadian Charter of Rights and Freedoms with the rights charters of other nations or international bodies in terms of their legal force and scope

**Sample questions:** “What does it mean to entrench rights and freedoms?” “Which rights and freedoms are the same in most jurisdictions you have looked at? Which are different?”

- C1.2** identify the rights and freedoms protected by the Canadian Charter of Rights and Freedoms, and their corresponding responsibilities or obligations (e.g., *right to trial by jury/responsibility to serve on a jury*), and explain the implications of these rights and responsibilities for various individuals and groups in Canadian society

- C1.3** explain the legal implications of a country’s signing of various internationally recognized treaties and conventions related to the protection of human rights (e.g., *Universal Declaration of Human Rights, Convention on the Rights of the Child, Geneva Conventions, Convention on the Rights of Persons with Disabilities, United Nations Declaration on the Rights of Indigenous Peoples*)

**Sample questions:** “What concerns did Canada voice with respect to the UN Declaration on the Rights of Indigenous Peoples? Now that

Canada is a signatory, what power does the declaration have within Canada? What recourse do indigenous people in Canada have should the government fail to protect the rights specified in the declaration?”

### C2. Development of Human Rights Law

**FOCUS ON:** *Continuity and Change*

By the end of this course, students will:

- C2.1** analyse the impact, both positive and negative, of landmark legislation on the development of human rights law in Canada (e.g., *the Royal Proclamation of 1763; the Quebec Act, 1774; the British North America Act, 1867; the Indian Act, 1876; the Canadian Bill of Rights, 1960; the Canadian Charter of Rights and Freedoms, 1982; Bill C-31 [An Act to Amend the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act; the Marine Transportation Security Act, and the Department of Citizenship and Immigration Act], 2012*)

**Sample question:** “What are some ways in which Canadian laws since 1867 have protected, or failed to protect, the human rights of groups such as First Nations, Métis, and Inuit people, women, and/or racialized groups?”

- C2.2** evaluate progress in removing historical and contemporary barriers to the enjoyment of equal rights by various individuals and groups, in Canada and internationally (e.g., *barriers such as*

*discrimination based on class, race, gender, gender identity, and/or ability; barriers resulting from poverty or regional disparity; lack of access to legal representation)*

**Sample questions:** “Why might the Accessibility for Ontarians with Disabilities Act be seen as a turning point in Ontario human rights law? Has this act been effective in ensuring accessibility for Ontarians with disabilities with respect to goods, services, facilities, accommodation, employment, buildings, structures, and premises? Are there still other barriers that need to be addressed?”

**C2.3** analyse various issues associated with addressing human rights violations, with reference to specific past and/or present examples of violations in Canada and around the world (e.g., *slavery in the United States; Chinese Head Taxes and the Chinese Exclusion Act, 1923, in Canada; the Holodomor; the Nuremburg Laws in Germany; the Holocaust; the internment of Japanese Canadians during World War II; Native residential schools in Canada; apartheid in South Africa; forced evictions from Africville, in Nova Scotia; ethnic cleansing in the former Yugoslavia*)

**Sample question:** “Do current governments have a legal obligation to redress or apologize for past actions of former governments?”

**C2.4** analyse the contributions of various individuals and groups to strengthening protection for human rights in Canada and internationally (e.g., *Emily Murphy, Lady Aberdeen, Alan Borovoy, Stephen Lewis, Nelson Mandela, the Dalai Lama, Mohandas Ghandi, Rosalie Abella, Viola Desmond, Louise Arbour, Michaëlle Jean; Doctors Without Borders, Me to We, Amnesty International, Human Rights Watch, Oxfam, Egale Canada, Advocacy Resource Centre for the Handicapped [ARCH]*)

**Sample question:** “What are some changes to human rights law, in Canada or internationally, that have resulted from the work of Canadian individuals and/or groups?”

### C3. Protection of Human Rights and Freedoms

**FOCUS ON:** *Legal Significance; Interrelationships; Legal Perspective*

By the end of this course, students will:

**C3.1** explain the role of Parliament in creating the Canadian Charter of Rights and Freedoms,

and the role of the judiciary in interpreting and enforcing the Charter’s provisions

**Sample questions:** “How might rights and freedoms in the Charter compete with one another? What is the role of the courts in balancing competing rights and freedoms?”

**C3.2** compare from a legal perspective various ways in which people living in Canada can act to protect their rights (e.g., *through complaints to the ombudsman, litigation before courts or tribunals, petitions, voting, pressure groups, media campaigns*)

**C3.3** explain from a legal perspective (e.g., *with reference to Charter sections 1 and 33*) why it may or may not be justifiable to limit individual or collective rights and freedoms in some situations (e.g., *in R. v. Keegstra, 1990; R. v. Oakes, 1986; Ford v. Quebec [Attorney General], 1988; refugee claims; border security checks*)

**Sample questions:** “Why might a judge issue a publication ban? Is such a ban a limit on freedom of the press? If so, do you think the limitation is reasonable in some cases? Why or why not?” “Under what circumstances might it be legally justifiable to search students before allowing them entry into a school sports event or a school dance?”

**C3.4** compare the roles of different branches of government (including both the legislative and judicial branches) in creating legislation that affects human rights and in interpreting and enforcing its provisions in various countries (e.g., *counter-terrorism legislation in the United Kingdom, United States, and Canada; immigration and refugee laws in Australia, Canada, and France; legal protections for minority and cultural groups in various countries*)

### C4. Contemporary Issues

**FOCUS ON:** *Legal Perspective*

By the end of this course, students will:

**C4.1** analyse from a legal perspective contemporary circumstances in which individual or group rights and freedoms are threatened (e.g., *loss of autonomy due to globalization, loss of privacy or intellectual property rights due to cybercrime*) or limited (e.g., *by imposition of travel security checks or environmental protection laws*)

**C4.2** compare from a legal perspective the rights and protections (e.g., *protections related to workplace safety, pay equity, unionization*) for

various kinds of workers (e.g., *migrant workers, immigrants, refugees*) in Canadian jurisdictions and jurisdictions outside Canada

**Sample question:** “Why might mine workers employed inside and outside Canada by the same multinational corporation have different workers’ rights?”

- C4.3** assess the strengths and weaknesses of current laws for protecting the rights of individuals and various groups (e.g., *indigenous peoples*) from the impact of human activities that cause changes to the natural environment (e.g., *the construction of hydroelectric dams, pipelines, highways; resource extraction and processing*)

# D. FOUNDATIONS OF INTERNATIONAL LAW AND DISPUTE RESOLUTION

## OVERALL EXPECTATIONS

By the end of this course, students will:

- D1. Fundamentals of International Law:** explain the legal importance of various key principles and issues in international law (**FOCUS ON:** *Legal Significance*)
- D2. Development of International Law:** analyse how various factors have influenced the development of international law (**FOCUS ON:** *Legal Significance; Continuity and Change*)
- D3. Conflict and Cooperation:** analyse how various agreements, treaties, and conventions in international law influence international conflict and cooperation (**FOCUS ON:** *Legal Significance; Interrelationships; Legal Perspective*)

## SPECIFIC EXPECTATIONS

### D1. Fundamentals of International Law

**FOCUS ON:** *Legal Significance*

By the end of this course, students will:

**D1.1** explain the legal significance of various principles and key concepts in international law (*e.g., rule of law, equality and non-discrimination in the enjoyment of human rights, diplomatic immunity, collective security, national sovereignty, concepts related to customary law and treaty law*)

**D1.2** describe various challenges that face sovereign states in creating, ratifying, and implementing international treaties (*e.g., divergent interests/views/beliefs in relation to: foreign policy, equity, the role of government, territorial claims*)

**Sample question:** “How might the laws and policies of sovereign states hinder the ratification of international environmental or trade agreements?”

**D1.3** identify and define various types of international crimes (*e.g., crimes under the mandate of the International Criminal Court: crimes of aggression, crimes against humanity, war crimes, genocide; other types of international crimes: smuggling of migrants, human trafficking, money laundering, arms smuggling, illegal wildlife trade, illegal dumping of hazardous waste*)

**Sample questions:** “Why is an international criminal court necessary?” “How might an

international court help to address issues related to human trafficking?” “What laws are in place to detect, deter, and prosecute money launderers and the financing of terrorist activity?”

### D2. Development of International Law

**FOCUS ON:** *Legal Significance; Continuity and Change*

By the end of this course, students will:

**D2.1** identify and describe agreements and organizations that have influenced the development of international law (*e.g., Treaty of Westphalia, League of Nations, United Nations, International Criminal Court, Geneva Convention*)

**Sample question:** “In your opinion, which agreement or organization has had the most significant impact with respect to changing international law?”

**D2.2** explain, using historical and contemporary examples, the roles of various international organizations and courts (*e.g., the United Nations [UN], the International Court of Justice, the International Criminal Court*), including the scope of their legal mandate to define, regulate, enforce, and change international laws

**Sample questions:** “Why would a country agree to have its human rights record reviewed by the United Nations? What legal or other powers do the UN and its member countries have to

encourage a non-compliant country to live up to its human rights obligations?" "How might pressure from the UN encourage a country to tighten its laws relating to sex tourism?"

### D3. Conflict and Cooperation

**FOCUS ON:** *Legal Significance; Interrelationships; Legal Perspective*

By the end of this course, students will:

- D3.1** identify different types of international disputes (e.g., *about treaty violations, boundary disputes, access to resources, trade barriers*) and compare the strengths and weaknesses of peaceful and non-peaceful methods of resolving them (e.g., *mediation, arbitration, negotiation, sanctions, embargoes, war, armed conflict, hostage-taking*)
- D3.2** compare the legal mandate in the enforcement of international law of the International Court of Justice (e.g., *to adjudicate disputes between states about matters such as access to resources, boundaries, use of international oceans and waterways*) with the legal mandate of the International Criminal Court (e.g., *to prosecute individuals for crimes against the international community as a whole, including war crimes, genocide, crimes against humanity, and the crime of aggression*)
- D3.3** compare Canadian and international perspectives on global issues that are addressed in various international treaties and agreements (e.g., *issues related to human rights protection, environmental protection, collective security, boundary disputes, trade and tariff barriers*)
- Sample question:** "How does the Canadian perspective on issues relating to climate change differ from that of other countries?"

**D3.4** analyse examples of domestic laws and practices that violate or have violated human rights protected under international law or conventions (e.g., *apartheid in South Africa; anti-LGBT laws in Uganda or Russia; anti-terrorism laws in Canada or the United States; laws restricting press freedom in China or Turkey; "disappearances" and/or torture of political opponents in Latin America; "honour killings" in South Asia; use of child soldiers in Africa; slave labour in various countries*)

**Sample questions:** "What are some international conventions that proscribe gender-based discrimination? Do all governments observe these conventions? If not, what types of laws or practices contravene these conventions?"

**D3.5** analyse Canada's record of supporting or not supporting various alliances, agreements, and treaties under international law (e.g., *North Atlantic Treaty Organization [NATO], North American Free Trade Agreement [NAFTA], United Nations Framework Convention on Climate Change, various UN human rights declarations and conventions*)

**Sample question:** "How has Canada's international status been affected by its support for or failure to support (or both) international agreements such as the UN Declaration on the Rights of Indigenous Peoples?"

# E. INTERNATIONAL LEGAL ISSUES

## OVERALL EXPECTATIONS

By the end of this course, students will:

- E1. Criminal Law:** analyse various key concepts, legal systems, and issues in criminal law, in Canada and internationally (**FOCUS ON:** *Legal Significance; Interrelationships; Legal Perspective*)
- E2. Environmental Protection:** analyse factors that influence the effectiveness of domestic and international environmental legislation (**FOCUS ON:** *Continuity and Change; Legal Perspective*)
- E3. Workplace Legal Issues:** analyse legal principles, systems, and processes used to protect various parties' interests in the workplace, in Canada and internationally (**FOCUS ON:** *Legal Significance; Interrelationships*)
- E4. Emerging Legal Issues:** analyse emerging global issues and their implications for international law (**FOCUS ON:** *Legal Perspective*)

## SPECIFIC EXPECTATIONS

### E1. Criminal Law

**FOCUS ON:** *Legal Significance; Interrelationships; Legal Perspective*

By the end of this course, students will:

- E1.1** analyse from a legal perspective the concept of morality as well as differing definitions of certain criminal offences in the domestic law of various countries (*e.g., culpable and non-culpable homicide; assisted suicide; hate crimes; fraud; sexual offences – procuring and living off the avails of prostitution, obscenity, child pornography; computer crimes – financial theft, identity theft, copyright infringement, dissemination of child pornography*)  
*Sample question:* “Under what conditions and in what countries, if any, is it not a crime to assist a person in ending his or her life?”
- E1.2** describe the key steps in the legal process of bringing an accused to trial in Canada and in international contexts, and explain the legal reasons for each step (*e.g., procedures related to the nature of the crime; protocols related to the collection, protection, and admissibility of evidence; procedural variations required by international law and/or agreements between countries*)
- E1.3** assess from a legal perspective the strengths and weaknesses of arguments for and against interventions by the international community

in instances of crimes against people of a particular region, country, or ethnicity (*e.g., government-sanctioned human rights abuses, failure to protect the rights of indigenous peoples, civil war, humanitarian crises, terrorism, Rwanda genocide, Darfur genocide*)

*Sample question:* “To what extent do the trials conducted at the International Criminal Court reflect a universal concept of justice?”

- E1.4** compare the activities of some organizations, both domestic and international, that enforce law (*e.g., Interpol and Canadian law enforcement organizations*) or that monitor justice systems (*e.g., International Centre for Criminal Law Reform and Criminal Justice Policy, the Criminal Cases Review Commission [UK], Human Rights Watch, Association in Defence of the Wrongfully Convicted [Canada]*), and identify circumstances in which the roles of international and domestic organizations might conflict with one another  
*Sample questions:* “Which bodies were responsible for reviewing the events of the 2010 G20 meetings held in Toronto? How do their findings compare with one another?”
- E1.5** describe ways in which countries exercise legal power outside their own borders (*e.g., “no fly” lists, use of diplomatic immunity*) and ways in which they cooperate or do not cooperate in the administration of criminal justice across

borders (e.g., cooperation: *extradition treaties and agreements*; non-cooperation: *bars to extradition – as in United States v. Burns, 2001*; UN Security Council vetoes)

**Sample question:** “Should the Canadian government agree to extradite people living in Canada who are accused of a capital offence to countries that impose the death penalty?”

- E1.6** analyse the relationship between the principles and purposes of sentencing (e.g., *principles of parity, proportionality*) and the penalties imposed in the criminal justice systems of various countries (e.g., *capital punishment, corporal punishment, incarceration, restorative justice*)

## E2. Environmental Protection

**FOCUS ON:** *Continuity and Change; Legal Perspective*

By the end of this course, students will:

- E2.1** explain the purposes of environmental protection laws (e.g., *to reduce and/or counter the negative effects of human activity on the natural environment*) and some of the considerations influencing how such laws are framed (e.g., *considerations related to national sovereignty, legal reciprocity, sustainable development, polluter pays, intergenerational equity*)

**Sample questions:** “Why was Ontario’s Environmental Bill of Rights (1993) considered groundbreaking in terms of environmental law?” “Should Canada amend the Constitution to guarantee the right to clean air and water for its citizens? Why or why not?”

- E2.2** describe from a legal perspective the role of various individuals and groups in developing and enforcing environmental protection laws (e.g., *the role of: Maude Barlow and the Council of Canadians in achieving recognition of access to clean water as a human right by the United Nations; Environmental Defence in securing the banning of bisphenol A [BPA] from baby bottles; the Sierra Club in the protection of wild places around the world; First Nations, Métis, and Inuit groups in strengthening requirements for environmental assessments*)

- E2.3** analyse from a legal perspective the strengths and weaknesses of international laws to protect key natural resources held in common around the world (e.g., *water, air, fish*)

- E2.4** assess the validity of reasons put forward by various stakeholders for opposing various environmental protection agreements (e.g.,

*claims that such laws are unnecessary, ineffective, unenforceable, not economically viable, unfair to certain groups or interests*)

- E2.5** describe the purpose and actual or potential effects of various single-country and multilateral/international environmental protection agreements (e.g., single-country agreements: *Environmental Protection Act [Canada, 1990], Transportation of Dangerous Goods Act [Canada, 1992], granting of “personhood” status to the Whanganui River [New Zealand, 2012]*; multilateral/international agreements: *Convention on International Trade in Endangered Species of Wild Flora and Fauna, 1973; Montreal Protocol on Substances that Deplete the Ozone Layer, 1989; Canada-U.S. Air Quality Agreement, 1991; United Nations Framework Convention on Climate Change, 1992; Kyoto Protocol, 1997; European Union Emissions Trading System, 2005; Copenhagen Accord, 2009; Aichi Biodiversity Targets, 2011*)

**Sample question:** “To what degree have the following environmental protection agreements succeeded in their aims: the Montreal Protocol, the Canada-U.S. Air Quality Agreement, the Kyoto Protocol, the EU Emissions Trading System?”

## E3. Workplace Legal Issues

**FOCUS ON:** *Legal Significance; Interrelationships*

By the end of this course, students will:

- E3.1** explain the role of governments, in Canada and internationally, in developing laws relating to labour and the workplace, and identify key components of existing laws (e.g., *Canada Labour Code, Employment Standards Act [Ontario], Working Time Directive [European Union, 2003], Taft-Hartley Act [United States, 1947]*)

**Sample question:** “What are the differences between a pay equity violation and an employment equity violation?”

- E3.2** analyse and describe the relationships between the key parties affected by laws regarding behaviour and standards in the workplace, in Canada and internationally (e.g., *employees, managers, employers, unions, corporations, governments*)

**Sample question:** “What actions did the corporate community and the Bangladeshi and other governments take following the disaster at Rana Plaza in 2013?”

- E3.3** explain the legal issues raised by various violations of Canadian and/or international

workplace safety codes and labour laws (e.g., the 2010 BP Deepwater Horizon explosion and oil spill, violations of fair-trade laws, use of child labour)

## E4. Emerging Legal Issues

**FOCUS ON:** *Legal Perspective*

By the end of this course, students will:

**E4.1** analyse from a legal perspective how various technological advances (e.g., in communications or surveillance technology, in medical science, in financial transactions) may challenge or support the administration of justice, in Canada and internationally (e.g., challenges: protection of privacy of victims/accused, protection of intellectual property; supports: developments in quality of DNA evidence, availability of surveillance information from CCTV cameras)

**Sample questions:** “In view of developments in technology, are existing laws adequate to protect individuals, corporations, and governments from invasions of privacy? Why or why not?”

**E4.2** analyse from a legal perspective the advantages and/or disadvantages of participation in international economic organizations and agreements (e.g., the World Trade Organization, the European Union, Asia-Pacific Economic Cooperation, the North American Free Trade Agreement)

**Sample questions:** “For countries seeking a free trade agreement, how might differing domestic labour laws, human rights laws, or environmental regulations create challenges in negotiating the agreement? What impact might the final agreement have on those domestic laws/regulations?”

**E4.3** evaluate the strengths and weaknesses of international agreements in protecting various rights and freedoms (e.g., the rights of women, children, indigenous people; religious rights; animal rights)

**Sample question:** “What are some circumstances that limit the effectiveness of international agreements in protecting the fundamental rights and freedoms of the people living in the participating countries?”