

WHAT ARE RIGHTS HOLDERS?



IN THIS LESSON

Students first review learned concepts. They then analyse section 23 of the *Canadian Charter of Rights and Freedoms* and create a conceptual map to explain it. Students recreate the definition of a rights holder under section 23 of the *Charter* and assess the importance of school for official language minority communities.

EDUCATIONAL AIMS

- become familiar with section 23 of the *Canadian Charter of Rights and Freedoms*;
- acquire and use vocabulary related to language rights (e.g. rights holder, citizen, *Constitution*, *Charter*);
- develop critical thinking;
- establish the relationship between language rights and identity.

TARGET GROUP(S)

- Province** : Quebec
Grade : Secondary Cycle One
Course :
- History and Citizenship Education (Curriculum, Revised version, 2005)

LINKS WITH THE CURRICULUM

- **Competency 1: Examine social phenomena from a historical perspective**
- **Competency 3: Construct consciousness of citizenship through the study of history**
- This lesson addresses different key concepts (e.g. *Canadian Charter of Rights and Freedoms*, rights holders, language rights).
- Teachers can also use this task to enrich students' vocabulary, use directive-appellative discourse and work on the steps of the writing process.



LENGTH OF PREPARATION : 15 MINUTES

LENGTH OF COMPLETION : 120 MINUTES



LESSON 1 What are rights holders? allows students to reflect on the status of official language minority communities in Canada, policies that regulate these communities, strategies that can be applied to help preserve their language as well as explain the language rights that are guaranteed by the *Constitution*.



EDUCATIONAL CONTENT

- To protect the rights of minorities, the *Constitution* was patriated in 1982 to enshrine the *Canadian Charter of Rights and Freedoms*. The *Charter* contains a complete section on the language rights of official language minority communities.
- The entrenchment of the *Charter* in the *Canadian Constitution*, which states the supreme laws of the country, makes invalid any legislation not respecting the rights enshrined in the *Charter*.

CURRICULUM

- History and Citizenship Education

LIENS AVEC LE CURRICULUM

- The sections on the curriculum and educational content explain the link between the content of this task and the curriculum for the course identified below. They also provide the necessary knowledge to enable teachers to carry out the activities in this task.

ADAPTATION OF THE CURRICULUM TO INCLUDE LANGUAGE RIGHTS

- **Competency 1: Examine social phenomena from a historical perspective**
 - Contemplate the past social phenomena of the English-speaking communities in Quebec and question the origins of these social phenomena.
 - View the rights holder concept through a historical perspective to understand the language rights of English-speaking communities in Quebec.
 - Study the application of section 23 of the *Canadian Charter of Rights and Freedoms* in Quebec and language rights claims relative to education by English-speaking communities.
- **Competency 3: Construct consciousness of citizenship through the study of history**
 - Seek the foundation of social identity as an English-speaking person.
 - Make connections between human action and social change through language rights claims in Canada.
 - Understand the value of language rights in relation to education, recognize the criteria that govern language rights.



PRE-REQUISITES

- Review **lesson 1** thoroughly and decide which activities you would like to complete with your students. The activities are not mandatory. However, some activities could require prior knowledge related to the topic in this lesson.
- Review the definition of each word used for the dictionary game. (Definitions are provided in **appendix 1**.)
- Print and cut the word labels (**appendix 1**). Place them into an opaque bag for the dictionary game. Keep the definitions provided.
- Print and cut the word labels for the word rally game (**appendix 4**). Hide them throughout the classroom before beginning the lesson.
- Be sure to master the general concepts relating to the *Canadian Charter of Rights and Freedoms*, specifically the right to instruction in the language of the minority and the definition of the term “rights holder” under section 23 of the *Canadian Charter*. If necessary, read **appendix 6** which includes all the information teachers may need.

MATERIALS

- **Appendix 1** : Dictionary game (one printed copy)
- **Appendix 2** : Conceptual map (one printed copy or digital copy)
- **Appendix 2B** : Answer sheet for the Conceptual map (one copy for the teacher)
- **Appendix 3**: Information sheet (one copy per student, one copy for the teacher)
- **Appendix 4** : Word rally (one printed copy)
- **Appendix 5** : Roadmap (one copy per team)
- **Appendix 6** : Teacher Reference Guide
- **Appendix 6B** : Census profile of official language minority communities
- Recent editions of a dictionary (e.g., Merriam-Webster, Collins)
- Strips of paper of identical size for the dictionary game (12 x the number of teams)

LEARNING ACTIVITIES

- **Context-setting**: Dictionary game
- **Activity 1**: Discussion – section 23 of the *Charter*
- **Activity 2**: Conceptual map
- **Activity 3**: Word rally
- **Activity 4**: Different perspectives on English-language education in Quebec
- **Activity 5**: Second Discussion





CONTEXT-SETTING: DICTIONARY GAME

The objective of this activity is for students to learn or review the vocabulary necessary to understand the concepts taught during the following activities.

- Refer to the instructions in the pre-requisites before beginning the game.
- Present the dictionary game, explaining to students that the game will give them the opportunity to review their knowledge of the *Canadian Charter of Rights and Freedoms*.
- Form small groups, then give the dictionary to one of the groups. Ask the group spokesperson to pick a word from the bag and read it to the class.
- Explain that the team with the dictionary has to look-up the definition of the word while the other groups have to invent their own definition, trying to get as close as possible to the dictionary's definition.
 - Tell the students to keep in mind the subject matter of the activity as they draft their definitions.
- Collect the definitions, mix them up then read them out loud to the class.
- Invite each group to vote for the definition that seems the most accurate to them and give one point to those who chose the dictionary's definition.
 - Appoint the students from the group with the dictionary to keep score since they know all the correct definitions.
- Continue playing until every word has been defined, then remind them of all the correct definitions. If necessary, add to the word list in **appendix 1** or change it to suit the students' level.





ACTIVITY 1: DISCUSSION

SECTION 23 OF THE *CHARTER*

The objective of this activity is to understand the significance of section 23 of the *Canadian Charter of Rights and Freedoms* as it applies to the English-speaking communities in Quebec (the right to instruction in the language of the minority).

- Host a short discussion, using the following questions as a starting point:
 - In your opinion, how do people living in an official language minority setting (ex. English-speakers in Quebec and French-speakers outside Quebec) protect their mother tongue?
 - **Answer key:** Listening to media sources in the official language of the minority, going to a minority language school, asking for services in their language, going before the courts to claim their language rights, etc.
 - Are there laws that protect official language minority communities? If so, which ones?
 - **Answer key:** *Canadian Charter of Rights and Freedoms, Official Languages Act of Canada*, some provinces and territories can also adopt laws or even ministerial policies to protect the linguistic minority.
 - What do you know about the *Canadian Charter of Rights and Freedoms*?
 - **Answer key:** The *Canadian Charter* is part of Canada's *Constitution*, it protects our rights and freedoms (e.g. protection against racial, religious or and other types of discrimination), it lists constitutional language rights.
 - What action could be taken if language rights under section 23 are not respected?
 - **Answer key:** Legal recourse can be taken when section 23 is not respected. "[Nguyen v Quebec](#)" is an example of such a case.





ACTIVITY 2: CONCEPTUAL MAP

The objective of this activity is to help students understand section 23 of the *Canadian Charter of Rights and Freedoms*.

- Copy the conceptual map in **appendix 2** onto the blackboard or project it onto the interactive whiteboard from the file T1 Interactive Map.
 - **Note** : To use the **T1 Interactive Map** file, install the free Notebook Viewer software available [here](#).
- Use the conceptual map to tell students that language rights in the *Canadian Charter of Rights and Freedoms* are contained in two parts: [Official Languages of Canada](#) and [Minority Language Educational Rights](#).
- Explain that the *Official Languages of Canada* part includes [sections 16 to 22](#) and stipulates that English and French are the official languages of the country.
- Also explain that the *Minority Language Educational Rights* part includes [section 23](#) of the *Charter* and lays down the right of Canadian parents to have their children educated in either English or French in any part of the country.
- Hand out a copy of **appendix 3** (the *Charter*) to every student in order to present section 23 of the *Charter*.
 - Read the text aloud then continue with shared reading in order to bring out the important ideas in section 23.
 - Write them on the conceptual map.
 - Use **appendix 2B** the answer sheet, for the conceptual map to ensure that students have all the elements covered by section 23.
- Discuss with students the importance of this section of the *Charter* for official language minority communities (OLMCs):
 - Are you affected by this section of the law?
 - **Answer key**: Yes/No/Maybe. Ask students to support their answers with arguments.
 - Why were laws such as this one implemented?
 - **Answer key**: Due to the intrinsic link between education and preservation of language, to protect the language of the official minority population, to guarantee education in the official language of the minority, to learn the language well, to avoid losing the language of the minority, to repair past injustices, etc.
 - Do this law achieve these goals?
 - **Answer key**: Yes/No/Maybe. Ask students to support their answers with arguments.
- Review the text and ensure that students have properly understood **section 23 of the *Canadian Charter of Rights and Freedoms***.



ACTIVITY 3 : WORD RALLY

The objective of this activity is to become familiar with the concept of “rights holder”.

- Refer to the instructions in the pre-requisites before beginning the game.
- Explain to your students that they are going to review their understanding of section 23 and more specifically the definition of “rights holder” by taking part in a word rally.
- Prepare the Word rally activity (**appendix 4**) if this is not already done.
- Invite students to form small groups and hand out the Roadmap (**appendix 5**) to each team.
- Read the instructions with the class and answer any questions.
 - Remind students to leave the rally questions where they found them so that all students can have access to them.
- Allow students sufficient time to find the answers to the questions. Validate the words found by the students so that they can complete the definition of “rights holder”. Correct the definition with the class.
- Make sure that students have properly understood that *a rights holder is a parent who has the right to have all his or her children educated in the official language of the minority* when he or she meets one of the criteria of section 23 of the *Charter*.

ACTIVITY 4 :

DIFFERENT PERSPECTIVES ON ENGLISH-LANGUAGE EDUCATION IN QUEBEC

The objective of this activity is to analyse the history of English-language education in Quebec through different perspectives and to better understand the issues that shaped the English-language education system.

- Ask the students to read the [History of education in Quebec](#).
- Using the information in this text, ask students to create a timeline of important events in groups of 2-4 people.
- Afterwards, tell the students to research other political, historical or legal events that shaped English-language education and to add them to the timeline.
- Ask the students to clearly identify on their timeline (by highlighting in different colors, for example) which events are of a political, historical and legal nature.
- Then, invite each group of students to present before the classroom the events they added to their timeline following their research.



ALTERNATE TEACHING APPROACH:

- **If you feel that activity 3 is too childish** for your students, simply project the definition on the board and allow students to individually complete the activity.
- **Once the game is over** and students master the basic vocabulary, show them this [short video on language rights in education](#).



ACTIVITY 5: SECOND DISCUSSION

The objective of this activity is to grasp the importance of the relationship between communities, schools and section 23 of the *Canadian Charter of Rights and Freedoms*.

- Lead a short discussion based on the following questions:
 - What does the term “official language minority community” (OLMC) mean?
 - **Answer key:** A linguistic community smaller than the majority, one of two official language communities in Canada, a community that lives a different linguistic reality, the concept of minority such as in Kelowna vs. Hearst (for example, refer to the statistical tables in **appendix 6B**)
 - In your opinion, what are the long-term risks for official language minority communities?
 - **Answer key:** Decline, status quo, assimilation, losing gains, etc.
 - Why are English-language schools important to official language minority communities?
 - **Answer key:** They create links where activities occur in the language of the minority, they serve as a meeting place for different community members, they help learn and develop the minority language, they help create lifestyle habits, they serve as cultural institutions, etc.
 - Why is the concept of “rights holder” so important?
 - **Answer key:** It defines who has the right to attend official language minority schools which serve to promote the language, culture and identity.

HOMEWORK (FOLLOW-UP)

- Suggest that students discuss the concept of “rights holder” with members of their family (e.g., ask parents to explain why they would choose to send their child(ren) to a school of the official language minority as a member of an official language minority community).

RESOURCES AND USEFUL LINKS

- [Language Rights Support Program](#)
- [Canadian Charter of Rights and Freedoms](#)
- [Office of the Commissioner of Official Languages](#)
- [Statistics Canada](#)





CONTEXT-SETTING: DICTIONARY GAME

Cut out the labels below. Put the words into a small opaque bag and keep the definitions.

1. Charter	1. A grant or guarantee of rights, franchises, or privileges from the sovereign power of a state or country. From the Merriam-Webster dictionary (online)
2. Section	2. Each of the divisions of a legal or formal statement (eg., sections of the Criminal code, of a treaty, of a charter). From TERMIUM Plus®
3. Constitution	3. The basic principles and laws of a nation, state, or social group that determine the powers and duties of the government and guarantee certain rights to the people in it From the Merriam-Webster dictionary (online)
4. Obligation	4. A legal or moral duty to do or not to do something. From TERMIUM Plus®
5. Gouvernement	5. The sovereign political authority of a State From TERMIUM Plus®
6. Right (a)	6. Claim possessed by a person or a group of persons and protected by law. (There are many types of rights, such as constitutional rights and civil rights.) From TERMIUM Plus®





7. Citizen	7. A person who is endowed with full political and civil rights in the state where he or she lives. From TERMIUM Plus®
8. Minority	8. A group of people who are different from the larger group in a country, area, etc., in some way. From the Merriam-Webster dictionary (online)
9. Instruction	9. A person's education, or the process by which it is obtained, especially if it involves schools or other formal educational institutions. From TERMIUM Plus® (A Dictionary of Education, Rowntree, Derek, 1981)
10. Linguistic minority	10. Canadian parents who are members of the English or French linguistic minority in the province in which they reside. Adapted from TERMIUM Plus®
11. Fundamental law	11. Particular kind of law that is essential Adapted from the Merriam-Webster dictionary (online)
12. Provision	12. Each of the clauses or divisions of a legal or formal document. Adapted from TERMIUM Plus®
14.	14.





ACTIVITY 2: CONCEPTUAL MAP

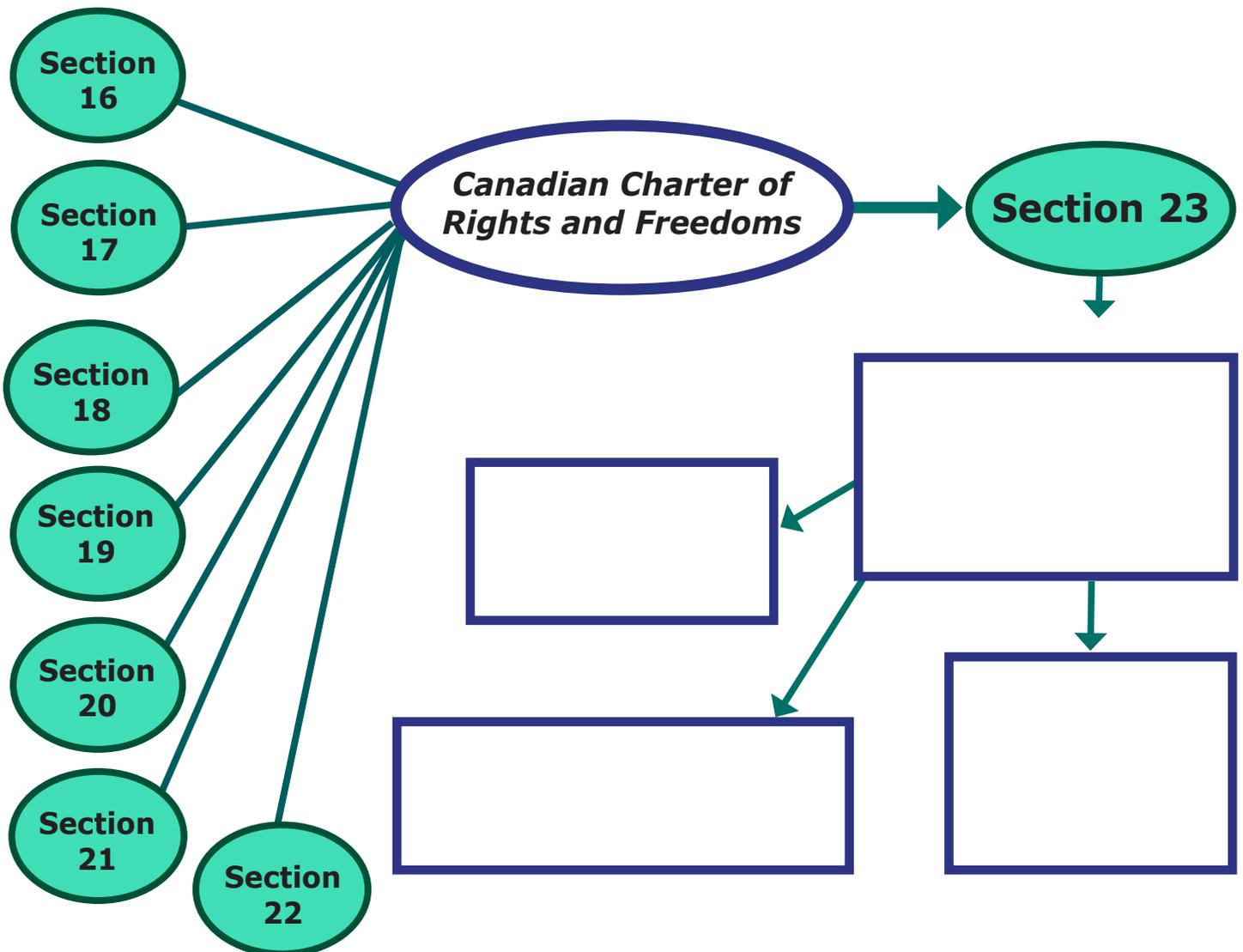
Copy the conceptual map below onto the blackboard.



Official languages



Right to instruction in the language of the minority





ACTIVITY 2: CONCEPTUAL MAP ANSWER KEY

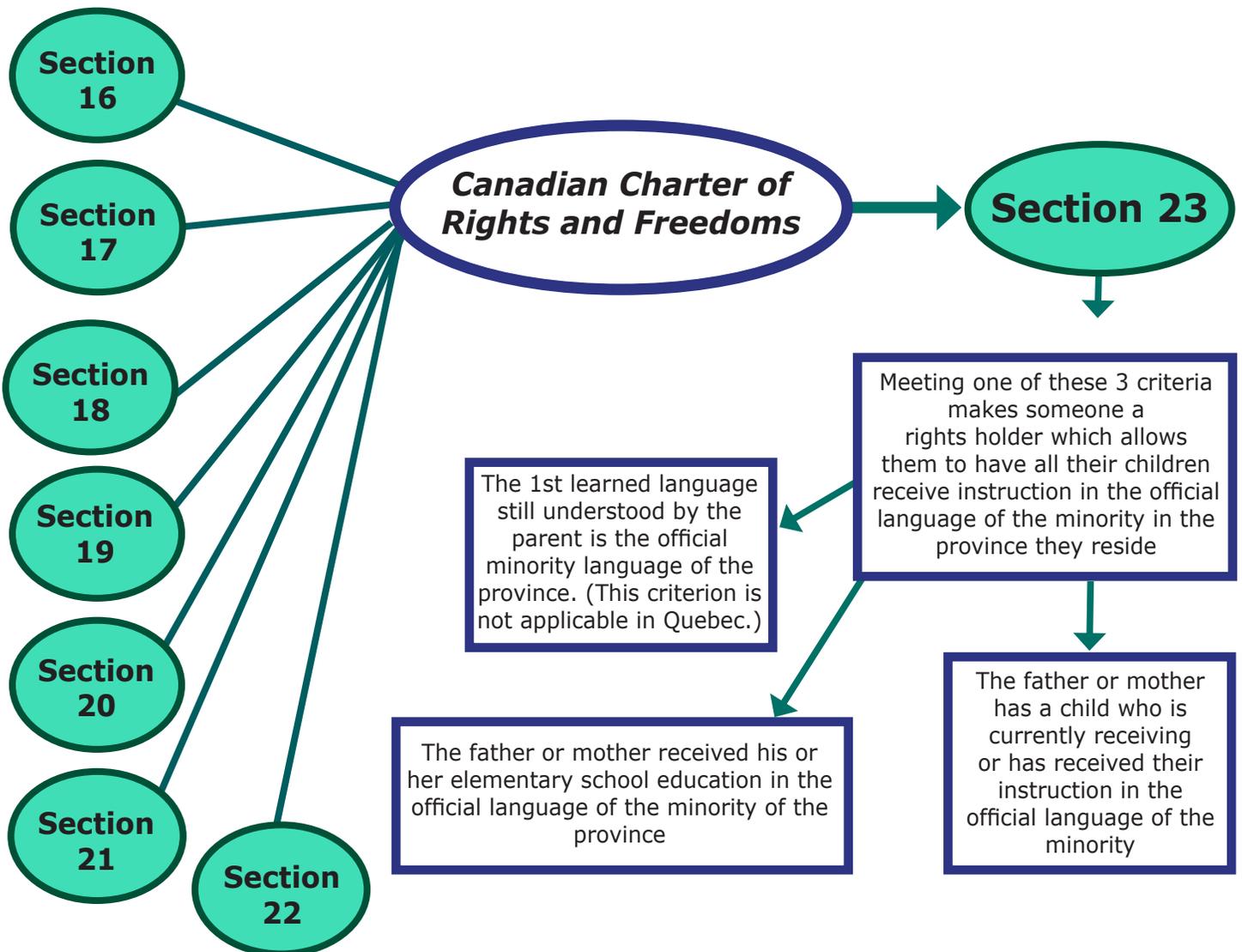
Print or memorize the answers as a reference guide.



Official languages



Right to instruction in the language of the minority





ACTIVITY 2: TEACHER INFORMATION SHEET CANADIAN CHARTER AND SCHOOL RIGHTS

Section 23 of the *Canadian Charter of Rights and Freedoms* is an important provision for the development of official language minority communities (OLMCs).

Section 23 recognizes the general right to have children receive instruction at primary and secondary levels in the language of the linguistic minority where the number of children warrants. The rights of section 23 are conferred to parents who are Canadian citizens and meet **one** of the three following criteria:

1. their first language learned and still understood is that of the English or French official language minority population of the province in which they currently reside (Quebec is not yet subject to this clause; this criterion does not therefore apply to English-speaking parents in that province who are governed by the Charte de la langue française of Quebec);
2. they have received their primary school instruction in Canada in the language of the linguistic minority population of the province in which they currently reside;
3. any child of theirs has received or is receiving primary or secondary school instruction in one of the two official languages.

A parent who meets any **one** of the 2 applicable criteria in Quebec is a “rights holder” and is entitled to have all their children educated in the language of the minority.





ACTIVITY 3: WORD RALLY (TEACHER RESOURCE)

Cut out the labels below and hide them throughout the classroom.

<p>1. Word used to designate persons during childhood.</p> <p>In the gapped definition, this word is in the plural.</p>	<p>4. A person who <u>holds</u> something</p>
<p>2. Adjective describing a person who was born or lives in Canada.</p>	<p>5. System of vocal signs (noises) that we use to communicate with people in our community.</p>
<p>3. Word used to describe a small group of people who are distinguished from a larger group by particular characteristics.</p>	<p>6. Five-letter word that means <u>permission</u>, as in the expression :</p> <p>Have the _ _ _ _ _ to do something.</p>
<p>7. Eleven-letter word that is a synonym of education, that is, knowledge passed on through education.</p>	



WORD RALLY ANSWERS

1. ENFANT	2. CANADIEN	3. MINORITÉ
4. HOLDER	5. LANGUAGE	6. RIGHT
7. INSTRUCTION		

DEFINITION OF RIGHTS HOLDER

A RIGHTS HOLDER IS A CANADIAN CITIZEN WHO HAS THE RIGHT TO HAVE HIS OR HER CHILDREN RECEIVE INSTRUCTION IN THE MINORITY LANGUAGE.



ACTIVITY 3: WORD RALLY (STUDENT SHEET)

ROADMAP

How about doing a word rally on the *Canadian Charter of Rights and Freedoms*?

1. First, find all the rally questions in the classroom. Then use your grey matter to answer them.
2. Write down all the solutions found in the square below.
3. Then insert each word in the right place to complete the gapped definition of a “rights holder” according to section 23 of the *Canadian Charter of Rights and Freedoms*.

YOUR SOLUTIONS HERE

DEFINITION TO COMPLETE

A RIGHTS HOLDER IS A _____ CITIZEN WHO HAS THE
_____ TO HAVE HIS OR HER _____ RECEIVE _____ IN
THE _____.



TEACHER'S REFERENCE GUIDE

WHAT IS A RIGHTS HOLDER?

A rights holder is a Canadian citizen who meets the criteria under Section 23 of the *Canadian Charter of Rights and Freedoms* giving him or her the right to have all of his or her children receive instruction in the official language of the minority in the province where he or she resides.

THE CANADIAN CHARTER OF RIGHTS AND FREEDOMS

The *Charter* was instituted on April 17th, 1982 under the government of Pierre Elliott Trudeau.

The *Charter* has two objectives:

1. To protect the rights of citizens against decisions and laws made by provincial and federal governments that may impede the rights and freedoms of Canadian citizens.
2. To unite the population through laws that are representative of Canadian values.

The *Canadian Charter* only applies to public institutions (for example, the government) and governs the relationship between citizens and the State. Therefore, the relationship between citizens is not governed by the *Charter*.

Many rights are guaranteed by the *Charter*:

- Fundamental freedoms (freedom of conscience, religion, thought, belief, opinion, expression, association)
- Democratic rights (right to vote, time limit between elections)
- Mobility rights (entering and leaving the country, moving from one province to another)
- Legal rights (protection against self-crimination, right to a lawyer)
- Equality rights (no discrimination)
- Language rights (use of English or French with the federal government, official languages, instruction in the minority language)

The *Canadian Charter of Rights and Freedoms* is one of the documents that form the *Canadian Constitution*. To protect its integrity, the amendment process for the *Charter* is much more difficult than that of an ordinary law.

It was nonetheless amended to include :

- The right to land claims by aboriginal peoples



LANGUAGE RIGHTS

Language rights are included in the *Canadian Charter of Rights and Freedoms* in two parts:

- In the section on official languages (sections 16 to 22);
- In the section on the right to instruction in the language of the minority (section 23).

The part on **official languages** states that:

- English and French are the two official languages in Canada;
- Either English or French may be used by any person before Parliament and any court established by it;
- All documents and laws of the Canadian Parliament must be published in both languages;
- It is mandatory to offer federal services in both official languages, under certain conditions.

The part on the **right to instruction** states that:

- Francophones outside Quebec have the right to instruction in the language of the minority, under certain conditions;
- English-speakers in Quebec have the right to instruction in the language of the minority, under certain conditions.

SOURCE

- Government of Canada. The [*Canadian Charter of Rights and Freedoms*](#)





CENSUS PROFILE OF OFFICIAL LANGUAGE MINORITY COMMUNITIES

THE LINGUISTIC REALITY OF OFFICIAL LANGUAGE MINORITY COMMUNITIES (OLMCs)

Below is an example of a minority language population residing on a territory where there is a **low** concentration of population speaking the minority language.

KNOWLEDGE OF OFFICIAL LANGUAGES IN KELOWNA (BC)

Knowledge of official languages	Kelowna (BC)	% of population	British Columbia	% of population
Total population (total population excluding institutional residents)	177,615	100%	4,356,210	100%
English only	165,370	93%	3,912,950	89.82%
French only	65	0.03%	2,045	0.05%
English and French	11,520	6.48%	296,645	6.81%
Neither English nor French	665	0.37%	144,555	3.32%

Below is an example of a minority language population residing on a territory where there is a **high** concentration of population speaking the minority language.

KNOWLEDGE OF OFFICIAL LANGUAGES IN HEARST (ON)

Knowledge of official languages	Hearst (ON)	% of population	Ontario	% of population
Total population (total population excluding institutional residents)	5,010	100%	12,722,060	100%
English only	315	6.29%	10,984,360	86.34%
French only	1,240	24.70%	42,980	0.34%
English and French	3,455	68.90%	1,395,805	10.97%
Neither English nor French	0	0%	298,920	2.34%

SOURCE

- [Statistics Canada](#)