

# Historica Canada Education Portal

## Canadian Human Rights Tribunal Simulation

### Overview

Students will learn about the harsh treatment of Canadian immigrants and the selective nature of Canadian immigration policies during the first half of the twentieth century by researching one of the following events:

- the Chinese Exclusion Act
- the Komagata Maru incident
- the SS. St Louis affair
- the internment of Japanese Canadians during the Second World War

Students will then prepare a case that they will present before a mock tribunal of the Canadian Human Rights Commission. The prepared case will include arguments outlining the human rights violations, relevant Charter sections, and suggestions for appropriate remedies.

### Aims

Students will:

- summarize information from a variety of print and non-print sources
- distinguish among different points of view
- make decisions and defend their choice
- take a position and defend it in a mock tribunal setting
- interact effectively with others in a variety of group settings

- consider alternatives, make decisions and substantiate choices
- use appropriate inquiry models to answer questions, solve problems and resolve issues

## **Activities**

### **Procedures:**

#### *Planning Notes*

Teachers should:

- familiarize themselves with the aforementioned events, the roles and procedures of the Canadian Human Rights Commission, and the appropriate sections of the Canadian Charter of Rights and Freedoms
- prepare an outline of steps to be followed in the trial to give students opportunities to meet timelines and set goals
- create a list of lawyers, witnesses, and judges including a brief synopsis of each particular role
- investigate the available resources in their school library/resource center
- book time in the resource center or the computer lab to enable students to complete research on the mock trial
- book a larger venue for the final version of the tribunal (such as a theatre arts room or the school cafeteria during a non-lunch period)
- videotape the trial proceedings if they have the time and equipment

#### *Activity*

Stage One:

Your teacher will assign you to one of four groups. Each group will be responsible for one of the above events. You can find background information on your topic by consulting the suggested resources and finding your own. The teacher has arranged for you to spend two periods in the library to research your topic in greater depth. Be sure to keep detailed notes in order to write a report on your case. Completing this report will allow you to analyze the important details of your case and prepare for the mock tribunal process.

#### Stage Two:

After you have completed your report, the following roles should be assigned within your group: one judge, two lawyers, and assorted witnesses. The major witnesses can be based on actual historical figures or they can be imaginary. If you choose to make up your own witnesses, the characterizations should be true to the spirit of the times.

#### Stage Three:

After roles have been assigned, you should familiarize yourself with the rules and procedures of a human rights tribunal by reading the [Canadian Tribunal Rules](#) (also available below in PDF).

#### Stage Four:

Your team is now ready to prepare its case. You will have one of the following roles:

##### Lawyer's Role:

As a lawyer you will be responsible for presenting your case before the

tribunal. You will divide the following responsibilities with your fellow lawyer: an opening statement, a closing statement, examination of the witnesses. Before the trial, you must interview witnesses and prepare them for examination. You must also develop questions that will bring out key information during the trial. These questions must be ordered logically and phrased properly in order to avoid objections.

- What is an Opening Statement?

This is when a lawyer presents an outline or summary of his or her case. The purpose is to relay to the judges the issues and arguments that will be relied upon during the course of the tribunal. The Opening statement is given in the future tense, as in "testimony will show" or "evidence will show. The statement is not intended to be argumentative, but rather to lay out a picture of the facts.

- What is Examination?

This is the a lawyer questions the witness. The lawyer who calls the witness to the stand conducts the examination. Questions must be open ended, unless the witness is recognized by the court as a hostile witness, then examination may include leading questions. A leading question is one that suggests to the witness the answer desired by a questioner or suggests a "yes" or "no" answer: "Will you tell us, please, what happened after you entered the house on the morning of July 5th?"

- Closing Argument:

The closing argument is when a lawyer presents a summation of the case. It usually covers the testimony heard, facts from evidence brought before the court, and legal arguments. Unlike the Opening Statement, the

lawyer speaks in the past tense (i.e. "as testimony has shown" and "as evidence showed").

#### Witness's Roles:

Witnesses must develop clear testimony that is believable. They must be well prepared with answers to any possible questions. Witnesses should discuss the details that will make their characters more credible with their lawyers.

#### Stage Four:

Your group is now ready to present its mock trial before the class. Students who are not involved in the trial will serve as the jury. Each presentation should be approximately 60 minutes. Remember to dress appropriately for your part in the trial and to observe proper court etiquette at all times

#### Evaluation:

This activity will be evaluated on your process work and on the performance itself.

#### *Assessment/Evaluation*

- Conferences with individual students to ensure that they are on task and heading in the right direction
- Peer evaluation and feedback on performances during the presentation
- Performance assessment rubrics for process work and student presentations
- Informal teacher observation

### *Accommodations*

- Students who feel uncomfortable presenting in public can be given a role that requires less dialogue (e.g. research assistant)
- Students who would benefit from enrichment can be assigned one of the lawyer or major witness roles.

Canadian Human Rights Tribunal Simulation (Student Instructions)

## **Resources**

Appendix A: Useful Resources for Human Rights Tribunal

### [The Canadian Encyclopedia](#)

Chinese Exclusion Act:

- [Chinese Head Tax: The Canadian Encyclopedia](#)
- [“Open Hearts, Closed Doors”: Canadian Immigration Overview](#)
- [Chinese Head Tax & Exclusion Act Redress in Canada](#)
- [The Exclusion Act](#)

Komagata Maru:

- [Komagata Maru: The Canadian Encyclopedia](#)
- [“Open Hearts, Closed Doors”: Canadian Immigration Overview](#)
- [“Forging Our Legacy”: Canadian Immigration and Citizenship, 1900-1977](#)

SS. St Louis:

- [MS St Louis: The Canadian Encyclopedia](#)
- [“Open Hearts, Closed Doors”: Canadian Immigration Overview](#)
- [“Forging Our Legacy”: Canadian Immigration and Citizenship, 1900-1977](#)

## Internment of Japanese Canadians:

- [Japanese Internment: The Canadian Encyclopedia](#)
- [“Open Hearts, Closed Doors”: Canadian Immigration Overview](#)
- [“Forging Our Legacy”: Canadian Immigration and Citizenship, 1900-1977](#)
- [Japanese Internment Camps](#)