

# CANADIAN CHARTER OF RIGHTS AND FREEDOMS



Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law:

## Guarantee of Rights

1. The *Canadian Charter of Rights and Freedoms* guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

## Fundamental Freedoms

2. Every citizen has the following fundamental freedoms: (a) freedom of conscience and religion; (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication; (c) freedom of peaceful assembly; and (d) freedom of association.

## Democratic Rights

3. Every citizen of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly, and to be qualified for membership thereof. (1) No citizen shall be denied the right to vote in an election of members of the House of Commons or of a legislative assembly for the reason of the vote at a general election of the members. (2) In time of real or apprehended war, invasion or insurrection, a House of Commons may be continued by Parliament and a legislative assembly may be continued by the legislature beyond the years if such continuation is not opposed by the votes of more than one-third of the members of the House of Commons or the legislative assembly, as the case may be. 5. There shall be a sitting of Parliament and of each legislature at least once every twelve months.

## Mobility Rights

6. (1) Every citizen of Canada has the right to enter, remain in and leave Canada. (2) Every citizen of Canada and every person who has the status of a permanent resident of Canada has the right: (a) to move to and take up residence in any province; and (b) to pursue the gaining of a livelihood in any province. (3) The rights specified in subsection (2) are subject to: (a) any laws or practices of general application in force in a province other than those that discriminate among persons primarily on the basis of province of present or previous residence; and (b) any laws providing for reasonable residency requirements as a qualification for the receipt of publicly provided social services. (4) Subsections (2) and (3) do not preclude any law, program or activity that has as its object the amelioration in a province of conditions of individuals in that province who are socially or economically disadvantaged if the time of employment in that province is before the date of employment in Canada.

## Legal Rights

7. Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice. 8. Everyone has the right to be secure against unreasonable search or seizure. 9. Everyone has the right not to be arbitrarily detained or imprisoned. 10. Everyone has the right on arrest or detention: (a) to be informed promptly of the reasons therefor; (b) to retain and instruct counsel without delay and to be informed of that right; and (c) to have the validity of the detention determined by way of *habeas corpus* and to be released if the detention is not lawful. 11. Any person charged with an offence has the right: (a) to be informed without delay of the specific offence to which he or she is charged; (b) to be advised of the right to make a statement and to answer questions, to retain and instruct counsel and to be given a written notice in that regard; (c) to be given a written notice in that regard; (d) to be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal; (e) not to be denied reasonable bail without just cause; (f) except in the case of an offence under military law tried before a military tribunal, to the benefit of trial by jury where the maximum punishment for the offence is imprisonment for five years or a more severe punishment; (g) not to be found guilty on account of any act or omission unless, at the time of the act or omission, it constituted an offence under Canadian or international law or was criminal according to the general principles of law recognized by the community of nations; (h) if finally acquitted of the offence, not to be tried for it again and, if finally found guilty and punished for the offence, not to be tried or punished for it again;

and (i) if found guilty of the offence and if the punishment for the offence has been varied between the time of commission and the time of sentencing, to the benefit of the lesser punishment. 12. Everyone has the right not to be subjected to any cruel and unusual treatment or punishment. 13. A witness who testifies in any proceedings has the right not to have any incriminating evidence so given used to incriminate that witness in any other proceedings, except in a prosecution for perjury or for the giving of contradictory evidence. 14. A party or witness in any proceedings who does not understand or speak the language in which the proceedings are conducted or who is deaf has the right to the assistance of an interpreter.

## Equality Rights

15. (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability. (2) Subsection (1) does not preclude any law, program or activity that has as its object the amelioration in Canada of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

## Official Languages

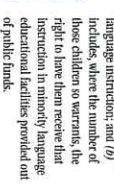
16. (1) English and French are the official languages of Canada and have equality of status and equal rights and privileges as to their use in all institutions of the Parliament and government of Canada. (2) English and French are the official languages of New Brunswick and have equality of status and equal rights and privileges as to their use in all institutions of the legislature and government of New Brunswick. (3) Nothing in this Charter limits the authority of Parliament or a legislature to advance the equality of status or use of English and French. 16.1. (1) The English linguistic community and the French linguistic community in New Brunswick have equality of status and equal rights and privileges, including the right to distinct educational institutions and such distinct educational institutions as are necessary to the maintenance and promotion of their linguistic cultures. (2) The rights and privileges referred to in subsection (1) are affirmed. 17. (1) Everyone has the right to use English or French in any debates and other proceedings of Parliament. (2) Everyone has the right to use English or French in any debates and other proceedings of the legislature of New Brunswick. 18. (1) The statutes, records and journals of Parliament shall be printed and published in English and French and both language versions are equally authoritative. (2) The statutes, records and journals of the legislature of New Brunswick shall be printed and published in English and French and both language versions are equally authoritative.



authoritative. 19. (1) Either English or French may be used by any person in, or in any pleading in or process issuing from, any court established by Parliament. (2) Either English or French may be used by any person in, or in any pleading in or process issuing from, any court of New Brunswick. 20. (1) Any member of the public in Canada has the right to communicate with, and to receive available services from, any court of New Brunswick. 20.1. Any member of the public in Canada has the right to communicate with, and to receive available services from, any court of New Brunswick. 20.2. Any member of the public in Canada has the right to communicate with, and to receive available services from, any court of New Brunswick. 20.3. Any member of the public in Canada has the right to communicate with, and to receive available services from, any court of New Brunswick. 20.4. 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Any member of the public in Canada has the right to communicate with, and to receive available services from, any court of New Brunswick.

## Minority Language Educational Rights

23. (1) Citizens of Canada (a) whose first language learned and still understood is that of the English or French linguistic minority population of the province in which they reside, or (b) who have received their primary school instruction in Canada in English or French and reside in a province where the language in which they received that instruction is the language of the English or French linguistic minority population of the province, have the right to have their children receive primary and secondary school instruction in that language in that province. (2) Citizens of Canada, whom any child has received or is receiving primary or secondary school instruction in English or French in a province, have the right to have all their children receive primary and secondary school instruction in the same language. (3) The right of citizens of Canada under subsections (1) and (2) to have their children receive primary and secondary school instruction in the language of the English or French linguistic minority population of a province (a) applies wherever in the province the number of children of citizens who have such a right is sufficient to warrant the provision to them out of public funds of minority language instruction; and (b) includes, where the number of those children so warrants, the right to have them receive that instruction in minority language educational facilities provided out of public funds.



## Enforcement

34. (1) Anyone whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances. (2) Where, in proceedings under subsection (1), a court concludes that evidence was obtained in a manner that infringed or denied any rights or freedoms guaranteed by this Charter, the evidence shall be excluded if it is established that, having regard to all the circumstances, the admission of it in the proceedings would bring the administration of justice into disrepute.

## General

25. The guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada including: (a) any rights or freedoms that have been recognized by the Royal Proclamation of October 7, 1763; and (b) any rights or freedoms that now exist by way of land claims agreements or may be so acquired. 26. The guarantee in this Charter of certain rights and freedoms shall not be construed as denying the existence of any other rights or freedoms that exist in Canada. 27. This Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians. 28. Notwithstanding anything in this Charter, the rights and freedoms referred to in it are guaranteed equally to male and female persons. 29. Nothing in this Charter abrogates or derogates from any rights or privileges guaranteed by or under the Constitution of Canada in respect of denominational, separate or dissenting schools. 30. A reference in this Charter to a province or to the legislative assembly or legislature of a province shall be deemed to include a reference to the Yukon Territory and the Northwest Territories, or to the appropriate legislative authority thereof, as the case may be. 31. Nothing in this Charter extends the legislative powers of any body or authority.

## Application of Charter

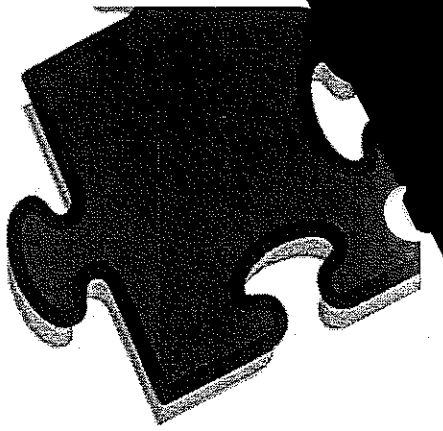
32. (1) This Charter applies: (a) to the Parliament and government of Canada in respect of all matters within the authority of Parliament including all matters relating to the Yukon Territory and Northwest Territories; and (b) to the legislature and government of each province in respect of all matters within the authority of the legislature of each province. (2) Notwithstanding subsection (1), section 15 shall not have effect until three years after this section comes into force. 33. (1) Parliament or the legislature of a province may expressly declare in an Act of Parliament or of the legislature, as the case may be, that the Act or provision therein shall operate notwithstanding a provision included in section 2 or sections 7 to 15 of this Charter. (2) An Act or provision of an Act in respect of which a declaration made under this section is in effect shall have such operation as it would have but for the provision of this Charter referred to in the declaration. (3) A declaration made under subsection (1) shall cease to have effect five years after it comes into force or on such earlier date as may be specified in the declaration. (4) Parliament or the legislature of a province may re-enact a declaration made under subsection (1). (5) Subsection (4) applies in respect of a re-enactment made under subsection (4).

## Citation

34. This Part may be cited as the *Canadian Charter of Rights and Freedoms*.

We must now establish the basic principles, the basic values and beliefs which hold us together as Canadians so that we may use as fully as possible the rights and freedoms which are ours as citizens of this country that has given us such freedom and such inalienable rights.

  
P.E. Trudeau 1981



# Topic \_\_\_\_\_

*Instructions: Your teacher will divide you into small groups to discuss a specific topic.*

**GROUP #1:** Discuss the 3 most important ideas about your topic. Each person in the group needs to write these ideas down below.

**GROUP #1 - TOPIC:** \_\_\_\_\_

**Main Idea #1:**

**Main Idea #2:**

**Main Idea #3:**

## Group #2: The Big Picture

GROUP #2: Change groups so that you are in a group with different people. Each person will share their notes from Group #1 with the new group while the new group takes notes.

Topic #1: \_\_\_\_\_

1.

2.

3.

Topic #2: \_\_\_\_\_

1.

2.

3.

Topic #3: \_\_\_\_\_

1.

2.

3.

Topic#1: \_\_\_\_\_





1.

2.

3.



### 7.2.3 Democratic Citizenship and Quality of Life

Assessment	Outcomes	Strategies
	<p>KC-001 KC-003 KC-005 VC-002 VC-003</p>	<p><b>Acquire</b></p> <p>Collaborative groups of students (five per group is ideal for this activity) participate in a Jigsaw activity to review the democratic rights and freedoms of Canadian citizens. In each group, one student is assigned each of the following topics and the corresponding section of the Canadian Charter of Rights and Freedoms:</p> <ul style="list-style-type: none"> <li>• Group 1: Fundamental Freedoms (Section 2)</li> <li>• Group 2: Democratic Rights (Sections 3 to 5)</li> <li>• Group 3: Mobility Rights (Section 6)</li> <li>• Group 4: Legal Rights (Sections 7 to 14)</li> <li>• Group 5: Equality Rights (Section 15)</li> </ul> <p>Expert groups convene to gather and summarize their information in point form, and then return to their home groups to share their summaries. In a guided plenary discussion, the class reflects on the advantages of living in a democratic society in which citizens' rights and freedoms are protected by law.</p> <p>NOTE: This is a review of a learning experience in Grade 6, Cluster 4. In this case, encourage students to think about the impact of these rights and freedoms on quality of life, and on how they may enhance quality of life for people who do not currently live in a democratic system.</p> <p> Supporting websites can be found at &lt;<a href="http://www4.edu.gov.mb.ca/sslinks/LEList">www4.edu.gov.mb.ca/sslinks/LEList</a>&gt;</p> <p style="text-align: right;">(continued)</p>
<p><b>Teacher Reflections</b></p>		

# Topic

Example

Canadian Charter of rights and Freedoms

**Instructions:** Your teacher will divide you into small groups to discuss a specific topic.

**GROUP #1:** Discuss the 3 most important ideas about your topic. Each person in the group needs to write these ideas down below.

## GROUP #1 - TOPIC: Fundamental Freedoms (Section 2)

**Main Idea #1:** Everyone has the following Fundamental Freedoms: Freedom of Conscience and Religion.

**Main Idea #2:** The Freedom to thought, belief, opinion, and expression. including freedom of the press, and other media communication.

**Main Idea #3:** The freedom of peaceful assembly; and freedom of association.

## Group #2: The Big Picture

GROUP #2: Change groups so that you are in a group with different people. Each person will share their notes from Group #1 with the new group while the new group takes notes.

Topic #1: Democratic Rights  
Section 3-5

1.

2.

3.

Topic #2: Mobility Rights  
Section 6

1.

2.

3.

Topic #3: Legal Rights  
Section 7-14

1.

2.

3.

Topic: Equality Rights

Section 15

1.

2.

3.