

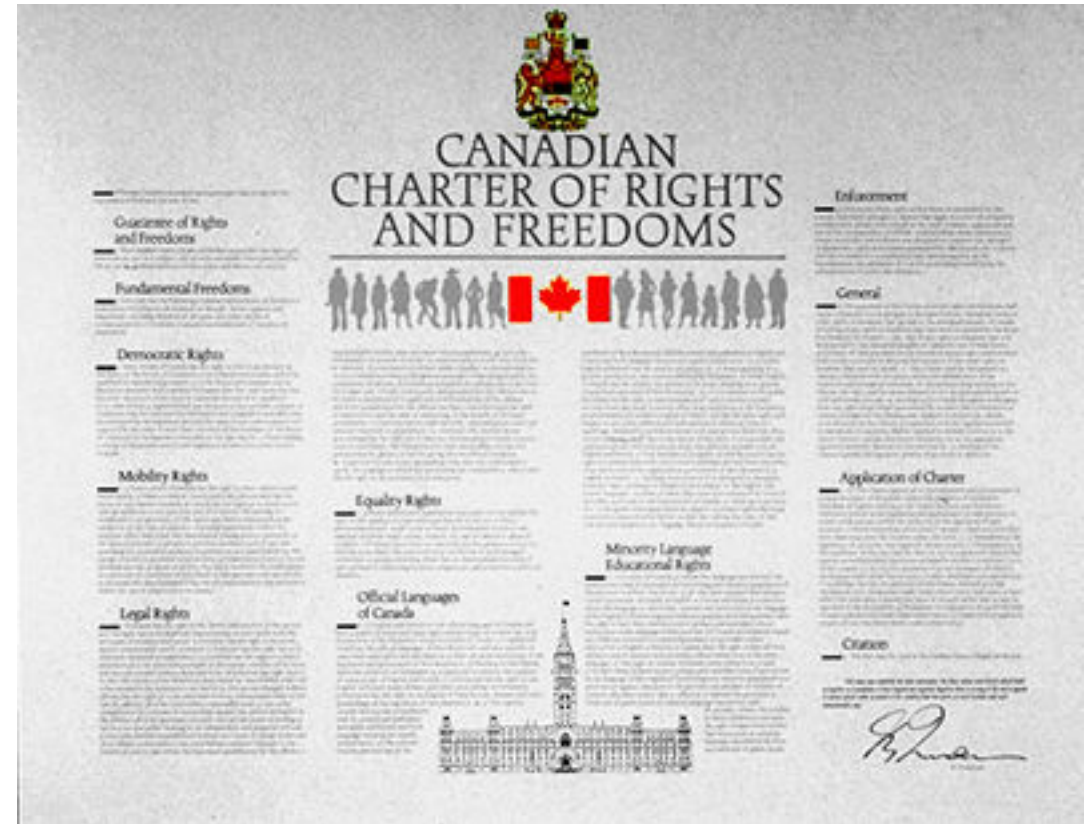
Chapter 4: The Charter of Rights and Freedoms

Social Studies 20-1

Ms.Gill

The Charter

- The Canadian Charter of Rights and Freedoms is a legal charter that is part of the Canadian Constitution. It forms the first part of the Constitution Act
- Created in 1982



The Charter Outlines...

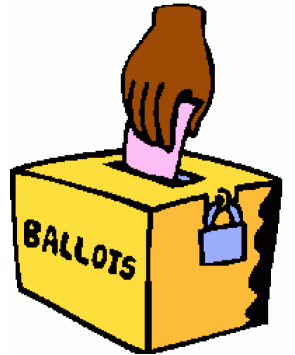
- Fundamental Freedoms
- Democratic Rights
- Mobility Rights
- Legal Rights
- Equality Rights
- Official Languages of Canada
- Minority Language Educational Rights

Fundamental Freedoms

- **Everyone has the following fundamental freedoms:**
 - **freedom of conscience and religion;**
 - **freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;**
 - **freedom of peaceful assembly; and**
 - **freedom of association.**
- These freedoms are set out in the Charter to ensure that Canadians are free to create and to express their ideas, gather to discuss them and communicate them widely to other people. These activities are basic forms of individual liberty. They are also important to the success of a democratic society like Canada. In a democracy, people must be free to discuss matters of public policy, criticize governments and offer their own solutions to social problems.
- Even though these freedoms are very important, governments can sometimes limit them. For example, laws against pornography and hate propaganda are reasonable limits on freedom of expression because they prevent harm to individuals and groups.

Democratic Rights

- **Everyone has the following democratic rights:**
 - **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 therein.**
 - **No House of Commons and no legislative assembly shall continue for longer than five years from the date fixed for the return of the writs at a general election of its members.**
 - **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 five 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.**
 - **There shall be a sitting of Parliament and of each legislature at least once every twelve months.**
- **A basic democratic principle is that a government must explain its actions to the people. This section of the Charter makes it clear that Parliament and the legislative assemblies must hold a session at least once a year. This rule ensures that elected members and the public have a chance to question government actions on a regular basis.**



Mobility Rights

- **Everyone has the following mobility rights:**
 - Every citizen of Canada has the right to enter, remain in, and leave, Canada.
 - Every citizen of Canada and every person who has the status of a permanent resident of Canada has the right:
 - to move to, and take up residence in, any province, and
 - to pursue the gaining of a livelihood in any province.
- This section protects the right of Canadians to move from place to place, and ensures that all Canadian citizens are free to come and go as they please. Extradition laws place some limits on these rights. These laws state that persons in Canada who face criminal charges or punishment in another country may be ordered to return to that country.



Legal Rights



- Everyone has the following legal rights:
 - 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.
 - Everyone has the right to be secure against unreasonable search or seizure.
 - Everyone has the right not to be arbitrarily detained or imprisoned.
 - Everyone has the right on arrest or detention
 - **to be informed promptly of the reasons therefor;**
 - **to retain and instruct counsel without delay and to be informed of that right; and**
 - **to have the validity of the detention determined by way of habeas corpus and to be released if the detention is not lawful.**
- Any person charged with an offence has the right
 - **to be informed without unreasonable delay of the specific offence;**
 - **to be tried within a reasonable time;**
 - **not to be compelled to be a witness in proceedings against that person in respect of the offence;**

Equality Rights

- **Everyone has the following equality rights:**
 - **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, color, religion, sex, age or mental or physical disability.**
- This section of the Charter makes it clear that every individual in Canada – regardless of race, religion, national or ethnic origin, colour, sex, age or physical or mental disability – is to be considered equal. This means that governments must not discriminate on any of these grounds in its laws or programs.



Official Languages of Canada

- **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.**

Minority Language Educational Rights

- Citizens of Canada:
 - 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
 - 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.
- In nine provinces and in the Yukon and the Northwest Territories, most people speak English. In these areas, Canadian citizens have the right to have their children educated in French if any of the following three situations apply:
 - their first language is French,
 - they received their own primary education in Canada in French, or
 - they have a child who has received or is receiving his or her education in French in Canada.
- In Québec, where most people speak French, Canadian citizens have the right to have their children educated in English:
 - if they received their own primary instruction in Canada in English, or
 - if they have a child who has received or is receiving his or her education in English in Canada.