Canadian Charter Of Rights and Freedoms: Chapter 10

**What is the Charter?**

* A constitutional document that
* defines the rights and freedoms of Canadians and establishes the \_\_\_\_\_\_\_\_\_ of such freedoms.
* was proclaimed as an \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ component of the Canadian Constitution in the Constitution Act of \_\_\_\_\_\_\_\_\_\_.

**What existed prior to the Charter?**

* Statutes such as
* The Canadian Bill of Rights 1960
* \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* Provincial Bills of Rights.

**Categories of Right and Freedoms**

**The Guarantee of Rights and Freedoms**

“subject to reasonable limits”

* This is the “common sense” clause which allows governments to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ if it is reasonable.



* The \_\_\_\_\_\_\_\_\_\_\_\_\_\_ must decide what is reasonable.

**Fundamental Freedoms (s.2)**

* Freedom of conscience and religion
* Freedom of belief and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* Freedom of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* Freedom of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* The provinces feared that these were too broad and as a result they were limited by the **notwithstanding clause of section 33.** of the Charter.

**Democratic Rights (ss. 3-5)**

* The right to vote
* The right to run for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* Elections are to be called once every \_\_\_\_\_\_\_\_\_\_ years.
* Parliament and legislatures must sit once in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**Mobility Rights (s. 6)**

* The right to leave and to return to Canada
* The right to move anywhere in Canada to live and \_\_\_\_\_\_\_\_\_\_\_
* Reasonable residency is required for access to social services and permanent residents in need could be given assistance first.
* Provinces cannot limit the right of non residents to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**Legal Rights (ss. 7-14)**

* “the right to life, liberty and the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the person”
* This limits the power of government to detain or to deny people basic liberty except “in accordance with principles of fundamental justice.”
* Legal rights can be limited by the “notwithstanding” clause of section 33.

**Legal Rights II**

* \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is not allowed.
* Police cannot \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_any person.
* You must be informed of the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ for your arrest.
* You must be informed of your right to retain a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**Legal Rights III**



* You must be informed of your offense.
* You must be tried in a \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
* You are \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ until found guilty by the courts.
* You cannot be denied \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
* You cannot be forced to give evidence against \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**Equality Rights (s. 15)**

* You have legal equality regardless of race, national or ethnic origin, colour, religion, sex, age, mental or physical disability.
* \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ do allow special treatment for those who are disadvantaged.
* These rights may be limited by the “notwithstanding” provisions of section 33.

**Language Rights (ss. 16-22)**

* The bilingual status of Canada is recognized.
* The equality of French and English in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is confirmed.
* Federal agencies must provide services in both French and English.
* Either language can be used in federal courts.
* Native people can still use their languages in court.

**Minority Language Rights (s. 23)**

* These apply only to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and not new immigrants.
* English or French speaking minorities can have their children educated in their own language.
  + It must be the parent’s \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_-.
* Provinces need only provide minority language schools where there are sufficient numbers to justify the cost.

The Charter and Canadian Society

**Enforcement of the Charter**

* An individual may apply to the courts to stop any activity they believe to be \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
* Courts may challenge laws that take away basic individual rights and freedoms.
* The Charter takes power away from Parliament and provincial legislatures and gives it to the courts.

**“Notwithstanding” (s. 33)**

* This section of the Charter allows governments to pass laws which may interfere with
* Fundamental Freedoms.
* Legal Rights.
* Equality Rights.
* This action is only valid for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ after which it must be \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
* **Summary**
* Some people believe that Parliament and provincial legislatures have lost too much power to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
* Parliament and provincial legislatures can overrule the courts by means of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* There is fear that the Charter may have \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ the appointment of judges but there is little evidence to support this.
* Most people believe that the courts have been \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_ in interpreting the Charter.