

The Canadian Charter of Rights and Freedoms – Summary Sheet

Many consider the Charter of Rights and Freedoms to be the most important part of the Constitution Act of 1982. The Charter identifies the rights of Canadians and makes sure that they are protected and cannot be taken away by the government. All laws passed in Canada must be consistent with the Charter.

All Canadians are entitled to receive equal treatment and protection under the law. It also protects individuals from unfair political or legal decisions.

Some of the rights and freedoms guaranteed by the Charter include:

- ❖ **Fundamental Freedoms:** including those pertaining to conscience, religion, thought, expression, peaceful assembly, and association.
- ❖ **Democratic Rights:** the right to vote and be eligible to serve for the House of Commons and the legislative assembly, and the right to elections at least every five years.
- ❖ **Mobility Rights:** to enter, remain in, or leave Canada, and to move into and earn a living in any province. This is subject to certain limitations in order to provide for “affirmative action” programs for the socially or economically disadvantaged.
- ❖ **Legal Rights:** includes such things as the right to a fair and reasonably prompt public trial by an impartial court.
- ❖ **Equality Rights:** no discrimination on grounds of race, national, or ethnic origin, religion, sex, sexual orientation, age, or mental or physical disability.
- ❖ **Official Language Rights:** makes English and French the official languages of Canada that must be represented in all government institutions.
- ❖ **Minority Language Education Rights:** allows for French- or English-speaking minority groups to be educated in their own language.

Note: The **notwithstanding clause** allows Parliament or a provincial legislature to pass a law violating any of these rights, except the equality right that prohibits discrimination based on sex. They can do this by inserting a declaration that the law shall operate notwithstanding the fact that it is contrary to a particular provision of the Charter.

The Charter of Rights and Freedoms – Case Studies

Instructions: Read each of the scenarios below. Using your knowledge of the Canadian Charter of Rights and Freedoms, determine which right or freedom is being violated. You may use your textbook, the Internet, or any other available resource to assist you in determining the correct answer.

Hint: Your answers will include the rights and freedoms listed below. You can use the same answer more than once.

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

Which Right or Freedom has been violated?

1. Dennis is sentenced to 20 years in prison without a trial.

2. Franco is arrested for being a member of the Catholic Church.

3. A group of teens meeting for a poetry reading in a park are told that they have to leave the park.

4. José is a mailman and is not given a promotion because his boss knows that he is homosexual.

5. Sally and most of her friends speak French, but the local school board refuses to open a French school.

6. Maria cannot find anyone to speak to her in French on a government help line.

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7. Karl is not allowed to vote in the provincial election because he lives on a farm.

8. Pedro is physically beaten in prison by the guards because he laughed.

9. Ambika is not allowed on a flight to New York because of her skin colour.

10. Lisa is arrested and taken to prison, but she is not sure why.

11. Ellen, a Canadian citizen, lived in China for two years and is not allowed back into Canada when she tries to return.

12. George is arrested for having a bumper sticker on his car that says: “Use Your Common Sense and Vote out Stephen Harper.”

13. Mohammed is arrested because he looks suspicious.
