



**UNIT 1, LESSON 5**

**CANADIAN CHARTER OF RIGHTS AND FREEDOMS**

Instructions:

1. Read the summary sheet of the Canadian Charter of Rights and Freedoms.
2. If you have any questions about the items contained in the summary, discuss these with your teacher.
3. Complete the worksheet, Canadian Charter of Rights and Freedoms, by using the word list to assist you in filling in the blanks.
4. Read your text, *Citizenship: Issues and Action*, pages **18, 20, 41-42, 148-150**. These pages should help you to check over your answers as well as reinforce these concepts.
5. Submit the completed worksheet to your teacher.



## CANADIAN CHARTER OF RIGHTS AND FREEDOMS SUMMARY

- A **constitution** is the supreme law of a nation that outlines the government structure for the nation and defines and limits government power.
- The **British North American Act** (BNA Act) of 1867 was Canada's first constitution that set up the basic system of government that we have today.
- The **Constitution Act of 1982** is the supreme law of Canada and it includes the **Canadian Charter of Rights and Freedoms**.
- The Canadian Charter of Rights and Freedoms spells out the nature of civil rights in Canada.
- All the laws in Canada must be consistent with it. Therefore, the government of Canada and the provincial governments are required to comply with it and to protect the fundamental rights of Canadians.
- The Charter can be used to protect individuals from unfair political or legal decisions.
- All Canadians must receive **equal treatment and protection under the law, regardless of their race, ethnic origin, religion, sex, age, disability or sexual orientation**.
- The Rights and Freedoms guaranteed by the Charter include:
  - a) **Democratic Rights**: for example: the right of every citizen to vote for the House of Commons and the provincial legislative assembly, and the right to elections at least every 5 years
  - b) **Fundamental Freedoms**: include those pertaining to conscience, religion, thought, expression, peaceful assembly, association
  - c) **Mobility Rights**: to enter, remain in, or leave Canada, and to move into, and earn a living in, any province subject to certain limitations, notably to provide for "affirmative action" programs for the socially or economically disadvantaged.
  - d) **Legal Rights**: includes such things as the right to a fair, reasonably prompt, public trial by an impartial court.
  - e) **Equality Rights**: no discrimination on grounds of race, national or ethnic origin, religion, sex, sexual orientation, age, or mental or physical disability



- f) **Official Language Rights** makes English and French the official languages of Canada for all the institutions of the Government and parliament of Canada and of the New Brunswick government and legislature.
- g) **Minority Language Education Rights** in certain circumstances

All these rights are “subject only to such reasonable limits...as can be demonstrably justified in a free and democratic society.” The courts decide what these limits are.

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 simply by inserting in such law a declaration that it shall operate notwithstanding the fact that it is contrary to a particular provision of the Charter.



## CANADIAN CHARTER OF RIGHTS AND FREEDOMS CASE STUDIES

Name: \_\_\_\_\_

Date: \_\_\_\_\_

### Instructions:

- Use the Canadian Charter of Rights and Freedoms in order to determine which right or freedom is being violated in each scenario.
- Write your answer in the space provided under each situation.
- Use the Word List below to assist you in your answers.

### Word List:

Fundamental Freedoms

Mobility Rights

Equality Rights

Minority Language Educational Rights

Democratic Rights

Legal Rights

Official Languages of Canada

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### Which Right or Freedom has been violated?

1. Tim was sentenced to 20 years in prison without a trial.

\_\_\_\_\_

2. Fred was arrested for being a member of the Catholic Church.

\_\_\_\_\_

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

\_\_\_\_\_

4. Joe was not given a promotion because his employer knew he was homosexual.

\_\_\_\_\_

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

\_\_\_\_\_



6. May cannot find anyone to speak to her in French at the government help line.

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

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8. Phillip was whipped in prison by the guards because he laughed.

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9. Julie was not allowed in the store because of her skin colour.

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

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11. Peter was not allowed in the restaurant because they thought his wheelchair would be in the way.

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12. Ellen, a Canadian citizen, lived in China for 2 years and was not allowed back into the country when she tried to return.

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13. Jeff was arrested for having a bumper sticker on his car that said: "Use Common Sense and Vote out Paul Martin."

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14. Mohammed was arrested because he looked suspicious.

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