

"I think we agree with the idea that we must have a Charter of Rights in the Constitution, it is something that we have suggested for a long time; and finally, I think that the question of linguistic rights, Mr. Trudeau's idea to guarantee minority language educational rights across Canada, is something that we must do and do fast. Mr. Trudeau has worked for these rights courageously for 15 years now and as you know, we are in complete agreement. In effect, there is much that is good in this text."

Mr. Robert Bourassa, former premier of Quebec, Radio-Québec, November 2, 1980

Enforcement

24. (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.

Enforcement of
guaranteed rights
and freedoms

Exclusion of
evidence bringing
administration of
justice into
disrepute

Until that authorization is received, only citizens who have been educated in English in Canada or have children educated in English in Canada have a constitutional right to have all their children educated in English in Quebec.

This section of the Charter allows a person or groups whose rights have been denied or infringed upon by law or by action taken by the state to apply to a court for a remedy deemed appropriate and just in the circumstances.

To illustrate how the enforcement provision might work, consider the following examples. If some public servant should attempt to prevent your group from religious worship, you would be able to apply for a restraining order and sue for damages, if any. If you were an accused person and denied bail without just cause, you would be able to apply to another court for a bail order. If the police were to break into and search your premises illegally and find evidence of a crime, the courts could exclude such evidence in a subsequent trial in which it is alleged that a right under the Charter has been infringed, and if the Court finds that the admission of such evidence would bring the administration of justice into disrepute. This power to exclude evidence in limited circumstances will permit the courts to preserve public respect for the integrity of the judicial process.