

CONSTITUTION ACT, 1982\*

**PART I**

**Canadian Charter of Rights and Freedoms**

Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law:

*Guarantee of Rights and Freedoms*

1. The *Canadian Charter of Rights and Freedoms* guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

*"This measure that I introduce is the first step on the part of Canada to carry out the acceptance either of the international declaration of human rights or of the principles that actuated those who produced that noble document."*

*The Right Honourable John G. Diefenbaker, Canadian Bill of Rights, House of Commons, July 1, 1960*

*"Canadians could take no more meaningful step than to entrench firmly in our Constitution those fundamental rights and liberties which we possess and cherish."*

*The Right Honourable Lester B. Pearson, Introduction, Federalism for the Future, Ottawa, January 1968*

*"We must now establish the basic principles, the basic values and beliefs which hold us together as Canadians so that beyond our regional loyalties there is a way of life and a system of values which make us proud of the country that has given us such freedom and such immeasurable joy."*

*The Right Honourable Pierre Elliott Trudeau, 1981*

\* The resolution as passed by the Canadian Parliament in December, 1981, referred to the Constitution Act, 1981. However, when the legislation is passed by the British Parliament, it will become the Constitution Act, 1982.

Rights and freedoms in Canada

**Explanation**

This part of the *Constitution Act, 1982*, sets out a Canadian Charter of Rights and Freedoms that establishes for all Canadians protection of certain basic rights and freedoms essential to maintaining our free and democratic society and a united country.

This Charter of Rights applies to all governments – federal, provincial and territorial – and will provide protection of the following:

- fundamental freedoms
- democratic rights
- the right to live and to seek employment anywhere in Canada
- legal rights
- equality rights for all individuals
- official languages of Canada
- minority language education rights
- Canada's multicultural heritage
- native people's rights

Canadians have enjoyed many of these basic rights and freedoms as a matter of practice for many years. Certain rights were set out in the *Canadian Bill of Rights*, which was introduced by Prime Minister John G. Diefenbaker in 1960, as well as in various provincial laws. However, including them in a Charter of Rights, written into the Constitution, will clarify and strengthen them.

At the same time, though, in a democratic society, rights cannot be absolute; they must be qualified in order to protect the rights of others. For instance, freedom of speech must be qualified by libel and slander laws. Therefore this section will allow that the rights that the Charter guarantees will be subject to such limitations as are shown to be justified in a free and democratic society.

Certain Charter rights are subject to another kind of limitation. Fundamental freedoms, legal rights and equality rights could be subject to a "notwithstanding clause." This means that Parliament or a provincial legislature could pass legislation that conflicts with a