Charter of Rights and Freedoms

Student Guide Questions

INTRODUCTION
1. Why do Canadian citizens have this Charter?_______________________________________________
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2. The Charter can only be altered with great difficulty. Who must approve any proposed changes to the Canadian Constitution?____________________________________________________________
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3. What happens if the courts decide that a law has violated the Charter?________________________
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4. Which level(s) of government does the Charter apply to? ____________________________________
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5. What does the ‘override provision’ (or the ‘notwithstanding clause’) allow?_____________________
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GUARANTEE OF RIGHTS AND FREEDOMS [SEC 1]
6. What must the government prove in court if it passes a law that limits one of your rights and freedoms?____________________________________________________________
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FUNDAMENTAL FREEDOMS [SEC 2]
7. Freedom of Conscience and Religion: What does section 2(a) guarantee to Canadians? Read the ISSUES. What is your opinion?____________________________________________________________
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8. *Freedom of Expression*: What does section 2(b) guarantee to Canadians? What two limits are placed on freedom of expression?

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9. *Freedom of Peaceful Assembly and Association*: What do sections 2(c) & (d) guarantee for Canadians?

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**DEMOCRATIC RIGHTS [SEC 3]**

10. *The Right to Vote*: Identify three groups that were denied the right to vote in Canada before 1960. Which four groups are denied the right to vote today? Why?

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11. What does section 4 of the Charter stipulate? For what reasons can this section be suspended?

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**MOBILITY RIGHTS [SEC 6]**

12. Identify one restriction that can be imposed on your right to find work in another province

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**LEGAL RIGHTS [SEC 7-12]**

13. *The right to life, liberty, and security of the person [sec 7]*: In what situation can the government take away your freedom?

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14. *Protection against Unreasonable Search and Seizure [sec 8] and Arbitrary Detention [sec 9]*: What must the police have, or prove, before they can search you or your home?

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15. What three rights do you have when you’re arrested? [sec 10]
   A. _____________________________________________________________________________
   B. _____________________________________________________________________________
   C. _____________________________________________________________________________

16. List the 6 rights a person has when charged with an offence. [sec 11]
   A. _____________________________________________________________________________
   B. _____________________________________________________________________________
   C. _____________________________________________________________________________
   D. _____________________________________________________________________________
   E. _____________________________________________________________________________
   F. _____________________________________________________________________________

17. Section 11 guarantees certain elements of a fair trial
   A. What must the prosecution prove at a trial? ________________________________________
   B. What does the accused have to prove at their trial? ________________________________

18. Section 11 guarantees the presumption of innocence. Some laws bring up the issue of “reverse onus”. “Onus” simply means responsibility.
   A. What do “reverse onus” laws require the accused to prove? __________________________
   B. In what two situations do “reverse onus” laws apply? ________________________________

19. Protection against “…cruel and unusual punishment” [sec 12] The death penalty in Canada has not been used since the 1960s, and was completely abolished in 1998. Why could a lawyer argue that capital punishment is a violation of the Charter of Rights? What specific section(s) could they use?

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EQUALITY RIGHTS [SEC 15]

20. Carefully read sec 15(1). Is it only Canadian citizens who are allowed freedom from discrimination? ________________________________

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21. How might the following cases be seen as examples of discrimination under the Charter?
   A. Senior discount prices ________________________________________________
   B. The requirement for those over 80 to take an annual driving test __________________
   C. The legal drinking age ________________________________________________
   D. The requirement that students at a private school follow a certain religion __________________
   E. The lack of elevators in a three storey apartment building __________________________

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21. What does “affirmative action” promote?___________________________________________________
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22. Do you think it is a good idea to give special treatment to groups who have fallen behind the majority or should everyone be treated equally?____________________________________________
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ENFORCEMENT [SEC 24]
24. What happens to evidence that is gathered in a way that violates the Charter?__________________
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25. Should a confession obtained by a police trick (such as undercover police) be allowed as evidence in court?_______________________________________________________________________
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GENERAL PROVISIONS [SEC 25-32]
26. What traditional aboriginal rights does the Charter protect? [sec 25]__________________________
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