What are Rights?

Rights are aspects of human life that are guaranteed by law

How do we get these Rights?

- From Canada’s Constitution Act, 1867
  - Constitution outlines the powers of the federal and provincial governments
    - *Intra vires* - issues the government has authority to make laws about
    - *Ultra vires* - issues the government does not have authority to make laws about.

Where are our Rights Outlined?

- In statutes (laws) at each level of government
- The Canadian Bill of Rights, 1960
- The Charter of Rights and Freedoms, 1982
- Federal Human Rights Code
- Provincial Human Rights Code

What do these Statutes Guarantee?

- Outlines the rights of Canadian citizens and people living in Canada
- Canadians have certain rights that others around the world don’t have guaranteed
- These rights have been taken for granted in the past
- Until recently they were not codified or written down - this meant our rights could be easily infringed upon or taken advantage of
- There have been many Human Rights violations in Canada
  - WW I - internment of Germans and Ukrainians
  - WW II - internment of Japanese Canadians
  - 1970 - FLQ crisis in Quebec
  - Immigration policies - 1880 - 1950 excluded most people from Asia

Limitations of the Bill of Rights

- The Bill was an important first step but there were certain problems with it
- Only applies to federal matters
- Because it is a piece of legislation it can easily be changed without consulting Canadians
- The importance of the Bill has been reduced since 1982 when the Charter was introduced
The Charter of Rights and Freedoms

- Became part of our Constitution in 1982 (entrenched)
- This means it is more difficult to change or revoke the Charter
- Our rights are now codified and therefore it is harder to infringe on our rights

Who Does the Charter Apply to?

- Federal government
- Provincial government
- Canadian citizens and organizations
- If a law is found to violate the Charter the courts can declare it invalid and it won’t be enforced

Who Benefits from the Charter?

- All Canadian citizens
- Some sections apply to permanent residents or landed immigrants
- Some sections apply to people visiting Canada

How is the Charter Structured?

- There are 34 sections, some of which are broken down into subsections.
- Sections are often referred to as “provisions”
- Ex. Section 1, section 7, section 10 (a)

Implementation of the Charter

- Created in 1982
- Not all provisions were enacted right away – provincial governments were given time to amend their laws to meet the new standards of the Charter.
- Came into full effect in 1985