



RIGHTS AND FREEDOMS IN CANADA

**WHAT AGE
DO YOU
HAVE TO
BE TO...?**

VOTE

DONATE BLOOD

LEAVE SCHOOL

JOIN THE ARMY

BUY LOTTERY TICKETS

GET A TATTOO

**WHAT AGE
DO YOU
HAVE TO
BE TO...?**

VOTE 18

DONATE BLOOD 17

LEAVE SCHOOL 16

JOIN THE ARMY 17

BUY LOTTERY TICKETS 19

GET A TATTOO

CASE STUDY 1:

Tamara is 17 years old and has been babysitting for the last year. She recently got a part-time job at a local café without needing her parents' permission. Tamara's parents don't think she should get tattoos, but Tamara is interested in getting one and plans to do so on her 18th birthday. She has also started saving for a car, but her parents told her she cannot register the car under her name until she is 18.

Case Study 1: Tamara

At what age is Tamara allowed to work without her parents' permission?	Tamara is allowed to work without her parents' permission at the age of 15 .
Can Tamara legally get a tattoo before she turns 19 without parental consent?	BC has no set legal age for tattoos, but most studios require parental consent if you're under 19. Tamara may need permission depending on the studio's policy.
When will Tamara be able to register the car under her own name without her parents' involvement?	Tamara will be able to register the car under her own name when she turns 18 , but her parents need to sign the paperwork if she does this before then
What other legal rights will Tamara gain when she turns 19?	When Tamara turns 19, she will be able to: Enter into binding contracts, get married, buy alcohol, cigarettes, and lottery tickets, gamble, adopt a pet from the SPCA, and move out without needing parental consent

CASE STUDY 2:

Terrence is 15 years old and wants to get a part-time job after school. His parents have given him permission to work, but they don't want him to work too many hours during the school week. Terrence also wants to change his last name to match his stepfather's, but his mother isn't sure if he can do that yet. Terrence has also been thinking about the future and has started considering writing a will. He's heard that his older brother got his driver's licence at 16 and is wondering when he can get his own.

Case Study 2: Terence

Can Terrence legally work at 15 without his parents' permission?	Yes, Terrence can work without his parents' permission because he is 15 years old . Parental consent is only required for children aged 12-14 to work.
At what age can Terrence change his name without parental consent?	Terrence can change his name without parental consent when he turns 19 . Before then, he needs his parent(s)' permission.
Can Terrence write a will now, or does he need to wait until a specific age?	Terrence can write a will when he turns 16 . Before 16, he cannot legally write a will.
When will Terrence be able to get his driver's licence? Does he need his parents' permission for that?	Terrence can apply for his learner's licence when he turns 16 , but he will need his parents' permission until he turns 19 .

From Youth Rights to Fundamental Freedom

- We explored the rights and responsibilities young people gain at different ages in B.C.
- We looked at how laws affect everyday life, school, jobs, health care, and even criminal responsibility...
- But where do these **rights** come from?
- How are the **freedoms** we have protected?



Charter of Rights and Freedoms



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.

Fundamental Freedoms

2. Everyone has the following fundamental freedoms: (a) freedom of conscience and religion; (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication; (c) freedom of peaceful assembly; and (d) freedom of association.

Democratic Rights

3. Every citizen of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly and to be qualified for membership therein. 4.(1) No House of Commons and no legislative assembly shall continue for longer than five years from the date fixed for the return of the writs at a general election of its members. (2) In time of real or apprehended war, invasion or insurrection, a House of Commons may be continued by Parliament and a legislative assembly may be continued by the legislature beyond five years if such continuation is not opposed by the votes of more than one-third of the members of the House of Commons or the legislative assembly, as the case may be. 5. There shall be a sitting of Parliament and of each legislature at least once every twelve months.

Mobility Rights

6. (1) Every citizen of Canada has the right to enter, remain in and leave Canada. (2) Every citizen of Canada and every person who has the status of a permanent resident of Canada has the right (a) to move to and take up residence in any province; and (b) to pursue the gaining of a livelihood in any province. (3) The rights specified in subsection (2) are subject to (a) any laws or practices of general application in force in a province other than those that discriminate among persons primarily on the basis of province of present or previous residence; and (b) any laws providing for reasonable residency requirements as a qualification for the receipt of publicly provided social services. (4) Subsections (2) and (3) do not preclude any law, program or activity that has its object the amelioration in a province of conditions of individuals in that province who are socially or economically disadvantaged if the rate of employment in that province is below the rate of employment in Canada.

Legal Rights

7. Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice. 8. Everyone has the right to be secure against unreasonable search or seizure. 9. Everyone has the right not to be arbitrarily detained or imprisoned. 10. Everyone has the right on arrest or detention (a) to be informed promptly of the reasons therefor; (b) to retain and instruct counsel without delay and to be informed of that right; and (c) to have the validity of the detention determined by way of *habeas corpus* and to be released if the detention is not lawful. 11. Any persons charged with an offence has the right (a) to be informed without unreasonable delay of the specific offence; (b) to be tried within a reasonable time; (c) not to be compelled to be a witness in proceedings against that person in respect of the offence; (d) to be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal; (e) not to be denied reasonable bail without just cause; (f) except in the case of an offence under military law tried before a military tribunal, to the benefit of trial by jury where the maximum punishment for the offence is imprisonment for five years or a more severe punishment; (g) not to be found guilty on account of any act or omission unless, at the time of the act



or omission, it constituted an offence under Canadian or international law or was criminal according to the general principles of law recognized by the community of nations; (h) if finally acquitted of the offence, not to be tried for it again and, if finally found guilty and punished for the offence, not to be tried or punished for it again; and (i) if found guilty of the offence and if the punishment for the offence has been varied between the time of commission and the time of sentencing, to the benefit of the lesser punishment. 12. Everyone has the right not to be subjected to any cruel and unusual treatment or punishment. 13. A witness who testifies in any proceedings has the right not to have any incriminating evidence so given used to incriminate that witness in any other proceedings, except in a prosecution for perjury or for the giving of contradictory evidence. 14. A party or witness in any proceedings who does not understand or speak the language in which the proceedings are conducted or who is deaf has the right to the assistance of an interpreter.

Equality Rights

15. (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability. (2) Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Official Languages of Canada

16. (1) English and French are the official languages of Canada and have equality of status and equal rights and privileges as to their use in all institutions of the Parliament and government of Canada. (2) English and French are the official languages of New Brunswick and have equality of status and equal rights and privileges as to their use in all institutions of the legislature and government of New Brunswick. (3) Nothing in this Charter limits the authority of Parliament or a legislature to advance the equality of status or use of English and French. 16.1 (1) The English linguistic community and the French linguistic community in New Brunswick have equality of status and equal rights and privileges, including the right to distinct educational institutions and such distinct cultural institutions as are necessary for the preservation and promotion of those communities. (2) The role of the legislature and government of New Brunswick to preserve and promote the status, rights and privileges referred to in subsection (1) is affirmed. 17. (1) Everyone has the right to use English or French in any debates and other proceedings of Parliament. (2) Everyone has the right to use English or French in any debates and other proceedings of the legislature of New Brunswick. 18. (1) The statutes, records and journals

of Parliament shall be printed and published in English and French and both language versions are equally authoritative. (2) The statutes, records and journals of the legislature of New Brunswick shall be printed and published in English and French and both language versions are equally authoritative. 19. (1) Either English or French may be used by any person in, or in any pleading in or process issuing from, any court established by Parliament. (2) Either English or French may be used by any person in, or in any pleading in or process issuing from, any court of New Brunswick. 20. (1) Any member of the public in Canada has the right to communicate with, and to receive available services from, any head or central office of an institution of the Parliament or government of Canada in English or French, and has the same right with respect to any other office of any such institution where (a) there is a significant demand for communications with and services from that office in such language; or (b) due to the nature of the office, it is reasonable that communications with and services from that office be available in both English and French. (2) Any member of the public in New Brunswick has the right to communicate with, and to receive available services from, any office of an institution of the legislature or government of New Brunswick in English or French. 21. Nothing in sections 16 to 20 abrogates or derogates from any right, privilege or obligation with respect to the English and French languages, or either of them, that exists or is continued by virtue of any other provision of the Constitution of Canada. 22. Nothing in sections 16 to 20 abrogates or derogates from any legal or customary right or privilege acquired or enjoyed either before or after the coming into force of this Charter with respect to any language that is not English or French.

Minority Language Educational Rights

23. (1) Citizens of Canada (a) whose first language learned and still understood is that of the English or French linguistic minority population of the province in which they reside, or (b) who have received their primary school instruction in Canada in English or French and reside in a province where the language in which they received that instruction is the language of the English or French linguistic minority population of the province, have the right to have their children receive primary and secondary school instruction in that language in that province. (2) Citizens of Canada of whom any child has received or is receiving primary or secondary school instruction in English or French in Canada, have the right to have all their children receive primary and secondary school instruction in the same language. (3) The right of citizens of Canada under subsections (1) and (2) to have their children receive primary and secondary school instruction in the language of the English or French linguistic minority population of a province (a) applies wherever in the province the number of children of citizens who have such a right is

sufficient to warrant the provision to them out of public funds of minority language instruction; and (b) includes, where the number of those children so warrants, the right to have them receive that instruction in minority language educational facilities provided out

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.

General

25. The guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada including (a) any rights or freedoms that have been recognized by the Royal Proclamation of October 7, 1763; and (b) any rights or freedoms that now exist by way of land claims agreements or may be so acquired. 26. The guarantee in this Charter of certain rights and freedoms shall not be construed as denying the existence of any other rights or freedoms that exist in Canada. 27. This Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians. 28. Notwithstanding anything in this Charter, the rights and freedoms referred to in it are guaranteed equally to male and female persons. 29. Nothing in this Charter abrogates or derogates from any rights or privileges guaranteed by or under the Constitution of Canada in respect of denominational, separate or dissentient schools. 30. A reference in this Charter to a province or to the legislative assembly or legislature of a province shall be deemed to include a reference to the Yukon Territory and the Northwest Territories, or to the appropriate legislative authority thereof, as the case may be. 31. Nothing in this Charter extends the legislative powers of any body or authority.

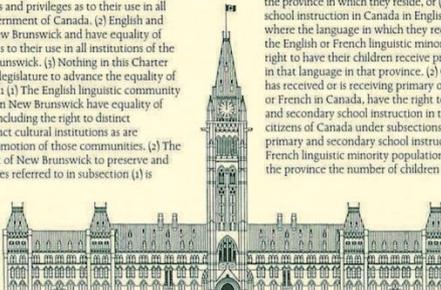
Application of Charter

32. (1) This Charter applies (a) to the Parliament and government of Canada in respect of all matters within the authority of Parliament including all matters relating to the Yukon Territory and Northwest Territories; and (b) to the legislature and government of each province in respect of all matters within the authority of the legislature of each province. (2) Notwithstanding subsection (1), section 15 shall not have effect until three years after this section comes into force. 33. (1) Parliament or the legislature of a province may expressly declare in an Act of Parliament or of the legislature, as the case may be, that the Act or a provision thereof shall operate notwithstanding a provision included in section 2 or sections 7 to 15 of this Charter. (2) An Act or a provision of an Act in respect of which a declaration made under this section is in effect shall have such operation as it would have but for the provision of this Charter referred to in the declaration. (3) A declaration made under subsection (1) shall cease to have effect five years after it comes into force or on such earlier date as may be specified in the declaration. (4) Parliament or a legislature of a province may re-enact a declaration made under subsection (1). (5) Subsection (3) applies in respect of a re-enactment made under subsection (4).

Citation

34. This Part may be cited as the Canadian Charter of Rights and Freedoms.

"We must now establish the basic principles, the basic values and beliefs which bind 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 inalienable joy."



Key Rights and Freedoms in Canada



Freedom of
expression



Freedom of
religion



Right to
equality



Legal rights
(fair trial)



Mobility
rights



Democratic
rights



Language
rights



Multicultural
heritage

The Canadian Charter of Rights and Freedoms

The Charter developed out of the **United Nations** human rights and freedoms movement as included in the Universal Declaration of Human Rights

The Charter of Rights and Freedoms became official in Canada on April 17, 1982

It acknowledged that everyone regardless of colour, religion, race, or belief possesses certain fundamental rights that no government can remove without cause.



Video Discussion:

1. What is a constitution?
 2. What **RIGHTS** and **FREEDOMS** are listed in the Canadian Charter of Rights and Freedoms?
 3. Do you think it is important to have a legally binding list of rights and freedoms? Why?
 4. Should we be able to change the charter? Why? Why not?
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CHARTER CASE STUDIES

- Choose **2** case studies and answer the questions
- Do all **3** for possibility of Extending

Case Study 1: BC Teachers Charter Rights Violated

Case Study 2: Legal Recognition of Same-Sex Marriage

Case Study 3: Awards for Charter Damages

1. Briefly explain the facts of the case.
2. What charter right or freedom was violated in the case?
3. Why is that right or freedom important?
4. Do you agree with the court's decision?

Case Study 1: BC Teachers Charter Rights Violated

- In a decision released on November 10, 2016, the British Columbia Teachers' Federation (BCTF) won a landmark ruling on negotiating classroom conditions against the B.C. Government in the Supreme Court of Canada.
- The decision marks the end of a court battle that began in 2002 over legislation that stripped teachers' bargaining rights related to class size and composition.
- The Supreme Court of Canada confirmed two earlier Supreme Court of B.C. decisions that found the legislation to be unconstitutional and ordered the deleted language be restored. The Bill had the effect of limiting teacher bargaining rights on class size and composition, violating the Charter right to freedom of association.
- [British Columbia Teachers' Federation v. British Columbia, 2016 SCC 49 \(CanLII\), \[2016\] 2 SCR 407](#)

Case Study 2: Legal Recognition of Same-Sex Marriage

- The federal government drafted a law recognizing the right of same-sex couples to civil marriage across Canada. In 2003, the government submitted questions to the Supreme Court to determine whether the law was constitutional, violated the Charter and impacted religious freedom.
- The Supreme Court found that Parliament had the authority to pass a law to allow same-sex couples to get married. The Court also concluded that the new definition of marriage in the proposed federal law did not violate the Charter. In fact, the very purpose of extending the capacity to marry same-sex couples was to promote Charter rights and values like the right to equality of members of the LGBTQ2 community. Finally, the Court found that if a religious official was opposed to same-sex marriage because of a sincerely held religious belief, this official would continue to benefit from the Charter protection of freedom of religion. Nothing in the law required religious officials to perform same-sex marriage ceremonies.
- This case reaffirmed that all rights in the Charter have equal value, and that simply recognizing one group's rights (e.g. equality rights of the LGBTQ2 community) does not conflict with others' rights. Where different rights or freedoms actually conflict, the Charter allows for reconciling these conflicting rights wherever possible. The government has to justify any actual restriction on Charter rights or freedoms when different rights and freedoms actually conflict.
- [Reference re Same-Sex Marriage, \[2004\] 3 SCR 698](#)

Case Study 3: Awards for Charter Damages

- The Vancouver police received information that someone planned to throw a pie at the Prime Minister during a ceremony. The officers mistakenly identified that person as Alan Ward and handcuffed him. Ward protested his detention and was arrested for breach of the peace. He was taken to the police station, where he was detained for over 4 hours and subjected to a strip search. Later, the police determined that they lacked the grounds to charge Ward for attempted assault and let him go.
- Ward argued that his right to be free from unreasonable search or seizure was breached. The Supreme Court agreed and upheld an award of \$5,000 for the strip search.
- In doing so, the Court established the framework for awarding Charter damages. Its decision was built on a previous judgment, where the Supreme Court explained that courts have the very broad power to give “just and appropriate” remedies when a government action violates the Charter. The Court held/found that damages can be awarded if the victim of the Charter violation shows why damages are fair and appropriate. Courts will consider whether damages would compensate the victim for the harm done, justify the importance of the right, or deter future breaches.
- [Vancouver \(City\) v. Ward, 2010 SCC 27](#)



Voting Rights and Elections in Canada

Discussion Questions

1

Do you think voting is important?

Why or why not? What role does it play in shaping society?



2

Do you think elections are important?

Why do we have them, and what would happen if they didn't exist?



Voting Rights in Canada



Who can vote?

Canadian citizens aged 18 or older on election day



Protected by law: The Canadian Charter of Rights and Freedoms guarantees the right to vote in federal, provincial, and municipal elections



Accessibility: Elections Canada ensures accommodations for people with disabilities



Why it matters: Voting is a fundamental democratic right that allows citizens to influence government decisions

Elections in Canada



Types of Elections:

- **Federal:** Elect Members of Parliament (MPs) to the House of Commons
- **Provincial/Territorial:** Elect Members of Legislative Assemblies (MLAs)
- **Municipal:** Elect mayors and councillors



How often?

- **Federal elections** occur every 4 years (or sooner if Parliament is dissolved)



Voting System:

- **First-Past-the-Post:** Candidate with the most votes wins



Election Oversight:

Elections Canada manages federal elections; provinces and municipalities have