**Canadian Charter of Rights and Freedoms**

**CONSTITUTION ACT, 1982** [**(80)**](http://laws-lois.justice.gc.ca/eng/const/page-18.html#f80)

**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**

**Marginal note:**

**Rights and freedoms in Canada**

**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**

**Marginal note:**

**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**

**Marginal note:**

**Democratic rights of citizens**

**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.

**Marginal note:**

**Maximum duration of legislative bodies**

* **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. [(81)](http://laws-lois.justice.gc.ca/eng/const/page-18.html#f81)
* **Marginal note: Continuation in special circumstances**(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. [(82)](http://laws-lois.justice.gc.ca/eng/const/page-18.html#f82)

**Marginal note:**

**Annual sitting of legislative bodies**

**5.** There shall be a sitting of Parliament and of each legislature at least once every twelve months. [(83)](http://laws-lois.justice.gc.ca/eng/const/page-18.html#f83)

**Mobility Rights**

**Marginal note:**

**Mobility of citizens**

* **6.** (1) Every citizen of Canada has the right to enter, remain in and leave Canada.
* **Marginal note: Rights to move and gain livelihood**(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.
* **Marginal note: Limitation**(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.
* **Marginal note: Affirmative action programs**(4) Subsections (2) and (3) do not preclude any law, program or activity that has as 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**

**Marginal note:**

**Life, liberty and security of person**

**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.

**Marginal note:**

**Search or seizure**

**8.** Everyone has the right to be secure against unreasonable search or seizure.

**Marginal note:**

**Detention or imprisonment**

**9.** Everyone has the right not to be arbitrarily detained or imprisoned.

**Marginal note:**

**Arrest or detention**

**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.

**Marginal note:**

**Proceedings in criminal and penal matters**

**11.** Any person 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.

**Marginal note:**

**Treatment or punishment**

**12.** Everyone has the right not to be subjected to any cruel and unusual treatment or punishment.

**Marginal note:**

**Self-crimination**

**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.

**Marginal note:**

**Interpreter**

**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**

**Marginal note:**

**Equality before and under law and equal protection and benefit of law**

* **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.
* **Marginal note: Affirmative action programs**(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. [(84)](http://laws-lois.justice.gc.ca/eng/const/page-18.html#f84)