

Fundamental Individual Rights and Freedoms

Canadian residents have rights and responsibilities but are also entitled to the basic human rights and freedoms. These come to us from our history. They are secured by Canadian law. They reflect our shared traditions, identity and values. These rights can be found in the Canadian Constitution. It is important to know your rights so that you can protect them and yourself.

What are my fundamental rights?

- Freedom of conscience and religion
- Freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication
- Freedom of peaceful assembly
- Freedom of association

Other rights that are protected by the Constitution are the following:

- 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
- Everyone has the right to be secure against unreasonable search or seizure
- Everyone has the right not to be arbitrarily detained or imprisoned

What are my rights when arrested?

Everyone has the right on arrest or detention:

- to be informed promptly of the reasons therefore
- to retain and instruct counsel without delay and to be informed of that right
- to have the validity of the detention determined by way of *habeas corpus* and to be released if the detention is not lawful

What are my rights when charged with a crime?

Any person charged with an offence has the right:

1. to be informed without unreasonable delay of the specific offence;
2. to be tried within a reasonable time;
3. not to be compelled to be a witness in proceedings against that person in respect of the offence;
4. to be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal;
5. not to be denied reasonable bail without just cause;
6. not to be found guilty on account of any act or omission;
7. 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;
8. if found guilty 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.

What are my rights upon punishment?

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

What are the rights of a witness?

A witness who testifies in any proceedings has the right not to have any incriminating evidence be used to incriminate that witness in any other proceedings, (except in a prosecution for perjury or for the giving of contradictory evidence). Don't Lie!

A party or witness in any proceeding 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.

Will I be discriminated against before the courts or when being judged?

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, or religion.

Disclaimer

While the answers provided here were obtained through meticulous research, this is NOT a legal document and does not constitute legal advice. This information is to be used strictly as a general reference. BCRC strongly recommends that you seek professional legal services for any legal advice or support.

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Black Law Students' Association of McGill University (BLSAM): The BLSAM is one of three Québec chapters of the Black Law Students' Association of Canada (BLSAC)

The Black Law Students' Association of Canada (BLSAC) is a national non-profit organization. Formed in 1991, the BLSAC was established to identify and work towards the removal of systemic barriers faced by African-Canadians attempting to access law school and the legal profession.

With partnerships throughout Canada and the United States of America, the Black Law Student's Association is one of the largest student-run networks in North America. The objective of the McGill Chapter is to encourage and support Black law students in the pursuit of academic excellence. They also work to promote cultural enlightenment and awareness about the different issues affecting the Black community.