



## ■ Times Change

Do you think that Canadians take their rights for granted? Some people believe that we do not always recognize the challenges and struggles that have built and developed those rights.

Over different time periods, some people did not have the same access to rights that is part of our society's foundation today.

What injustices and inequalities did people face in the past? The legal and political system of English common law and French civil law is based on **rule of law**, which means that the government, like the people, is accountable to the law.

However, it has not always been this way. Before the 1900s, there were no laws that protected people against discrimination, except criminal laws. The rights that did exist were reserved for male property owners. Although there were some gains made in the 1800s that expanded rights to different groups, there were many who still experienced discrimination based on their gender, race, religion, ethnicity and language.

By the middle of the 1920s, women started to gain political and legal rights, both federally and provincially. They insisted on, fought for and won the right to enter "non-traditional" professions and assert their independence. However, most of the power was still held in the hands of the economically dominant white male.

In 1960, the Bill of Rights was passed to become the first federal law protecting human rights.

Other groups in Canadian society did not have equal access to many rights. Aboriginal people could not vote until 1960. Asian Canadians did not get the vote until 1949. It wasn't until 1988 that people with intellectual disabilities got the right to vote.



### What do you mean, our votes don't count?



#### Find Out More

Explore these and other events in **Voting Counts** on the **Building Future Voters** junior high webpage at [www.buildingfuturevoters.ca](http://www.buildingfuturevoters.ca). Flip the photos to consider how rights were influenced by legislation.



#### Pause and Reflect

What does the word "ethics" mean to you? What is ethical citizenship?

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What are "morals"? How would you describe your moral values?

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rights  
equity  
discrimination  
rule of law

## Find Out More



Explore the **Time Portal on Humans Rights** cases at [www.chrc-ccdp.ca/historical-perspective/en/timePortals/1900.asp](http://www.chrc-ccdp.ca/historical-perspective/en/timePortals/1900.asp).

Visit the **Historica Voices** website at [www.histori.ca/voices/index.do](http://www.histori.ca/voices/index.do).

Watch the **Historica** minutes on Hart and Papineau. Go to [www.historicacanada.ca/content/heritage-minutes/](http://www.historicacanada.ca/content/heritage-minutes/) and search for this title.

## Find Out More



Find information about the *Universal Declaration of Human Rights* and human rights today on the **Taking IT Global** website at [www.tigweb.org/themes/udhr60/](http://www.tigweb.org/themes/udhr60/).

Additional information on the *Universal Declaration of Human Rights* can be found on the Youth for Human Rights website at [www.youthforhumanrights.org/what-are-human-rights/universal-declaration-of-human-rights/introduction.html](http://www.youthforhumanrights.org/what-are-human-rights/universal-declaration-of-human-rights/introduction.html).

Equality in the workplace, equal access to places to live and the ability to use public services was not part of many Canadians' daily lives until well into the 1900s. Laws against discrimination were slowly established and people started to pay more attention to the importance of working toward equality for all.

In the 1930s, some work relief legislation made discrimination based on race, religion and political affiliation illegal. Over the years, different laws have improved equality for citizens and residents of Canada. However, ethical and moral work is still necessary to change attitudes of prejudice and discrimination.

### ■ Legislation and Declarations that Protect Human Rights

The *Universal Declaration of Human Rights* was adopted on December 10, 1948 and is often considered one of the United Nations' greatest achievements. The *Universal Declaration of Human Rights* promoted non-discrimination based on race, colour, sex, language, religion and politics. It recognized that human rights are a matter of international concern. It asserted individual, fundamental rights to health care, education and work. The *Declaration* served as a model for many constitutional documents throughout the world, including the *Canadian Charter of Rights and Freedoms*.

The *Canadian Charter of Rights and Freedoms* came into force on April 17, 1982. Section 15 of the *Charter*, which addresses equality rights, came into effect three years after this date.

The *Charter* is founded on the rule of law and **entrenches**, or guarantees, rights and freedoms in the Constitution. It recognizes:

- Fundamental freedoms (e.g. freedom of expression and of association)
- Democratic rights (e.g. the right to vote)
- Mobility rights (e.g. the right to live anywhere in Canada)
- Legal rights (e.g. the right to life, liberty and security of the person)
- Equality rights
- The multicultural heritage of Canadians.
- Official language and minority language education rights.

In addition, the provisions of section 25 guarantee the rights of the Aboriginal peoples of Canada.



The *Charter* is, in some respects, Canada's most important law because it can **invalidate**, or take away the legality of, any laws that are inconsistent with it. For more than 20 years, Canadian courts have made more than 300 decisions in which they **invoke**, or reference, the *Charter* to justify a change to Canadian laws.

The *Charter* has also had an impact on the promotion and protection of human rights in Canada. It has reinforced the rights of official-language minorities and led to the recognition and enforcement of the rights of minorities and disadvantaged groups. In matters related to justice, the *Charter* has clarified what the rights of offenders are.

The *Charter* is **embedded** in, or part of, the Constitution. This means that no part of it can be changed by a federal or provincial government. The House of Commons, the Senate, and two thirds of the provinces representing over 50 percent of Canadians must approve any changes to the *Charter* or any part of the constitution.

## ■ Canadian Values Protected by Law

How important do you think it is that people are treated fairly, equally and respectfully? These concepts are fundamental values in Canadian society and the justice system. Canada's government makes decisions through a system of legislation, regulations and laws. Our judicial system is **bijudicial**. This means it is based on two systems of law: civil law from the French and common law from the English. Increasingly, Aboriginal principles of justice have a strong influence on laws and decision-making.

Why do federal and provincial governments pass laws? Canadian **laws** are written rules that provide guidelines for people in society. The police and courts are responsible for enforcing those laws. Canadians have rights and freedoms that are protected under the *Canadian Charter of Rights and Freedoms* through the justice system.

The Canadian justice system guarantees everyone due process under the law. Our judicial system is founded on the **presumption of innocence** in criminal matters, meaning everyone is innocent until proven guilty.

Canada's legal system is based on a heritage that includes the rule of law, freedom under the law, democratic principles and due process. **Due process** is the principle that the government must respect all the legal rights a person is entitled to under the law.

**Rule of law** means that the law in Canada applies to everyone, including judges, politicians and the police. Our laws are intended to provide order in society and a peaceful way to settle disputes, and to express the values and beliefs of Canadians.

Excerpted from *Discover Canada: The Rights and Responsibilities of Citizenship Study Guide* (2012). Citizenship and Immigration Canada: pp. 8-9. [www.cic.gc.ca/english/pdf/pub/discover.pdf](http://www.cic.gc.ca/english/pdf/pub/discover.pdf)



## Find Out More

Find out more about John Humphrey, the Montréal lawyer who drafted and won support for the *Universal Declaration of Human Rights*.

Watch the Historica minute on John Humphrey. Go to [www.historicacanada.ca/content/heritage-minutes/](http://www.historicacanada.ca/content/heritage-minutes/) and search for this title.

Find and download the *Youth Guide to the Canadian Charter of Rights and Freedoms* on the **John Humphrey Society for Peace and Human Rights** website at [www.scribd.com/doc/131473658/Youth-Guide-to-the-Canadian-Charter-of-Rights-and-Freedoms](http://www.scribd.com/doc/131473658/Youth-Guide-to-the-Canadian-Charter-of-Rights-and-Freedoms).



Revisit the **Participation Matters** timeline on the **Building Future Voters** junior high webpage at [www.buildingfuturevoters.ca](http://www.buildingfuturevoters.ca). What connections do you see between the events in the timeline and those in the photo flip boxes?



How do you think human rights protected by the *Charter of Rights and Freedoms* affected the establishment of voter eligibility in Canada over time?

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### ■ Who is protected?

Before the entrenchment of the *Charter of Rights and Freedoms*, some believed that criminal laws protected criminals more than they did residents of Canada. People charged with crimes had a number of protections that were based on English common law.

They had the right to a fair trial and the right to have fair procedures. Laws were based on **habeas corpus**, the right of a person being detained by the authorities to be brought in front of a judge to determine whether the detention is valid. The laws also said that a person had the right to be secure in his or her own house unless the police obtained a search warrant.



What issues do you think these laws brought up in Canadian society at the time? How did the *Charter of Rights and Freedoms* expand the legal rights of citizens?

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What examples can you find that shows how the concept of democracy has changed over time?

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### ■ The Highest Court

The Supreme Court was created in 1875, but not as the highest court in Canada. Until 1949, the Judicial Committee of the Privy Council in Britain made the final decisions over all colonial courts.

The Supreme Court of Canada is now the country's highest court. The Federal Court of Canada deals with matters concerning the federal government. In most provinces there is an appeal court and a trial court, sometimes called the Court of Queen's Bench or the Supreme Court.

## Voting Counts

One of the privileges of Canadian citizenship is the right to vote. You are eligible to vote in a federal election or cast a ballot in a federal referendum if you are:

- A Canadian citizen
- At least 18 years old on voting day
- On the voters' list

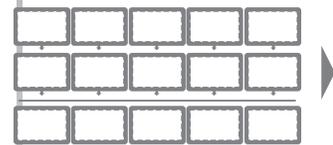
The voters lists used during federal elections and referendums are produced from the National Register of Electors by a neutral agency of Parliament called Elections Canada. This is a permanent database of Canadian citizens 18 years of age or older who are qualified to vote in federal elections and referendums.

Canadian law secures the right to a **secret ballot**. This means that no one can watch you vote and no one should look at how you voted. You may choose to discuss how you voted with others, but no one, including family members, your employer or union representative, has the right to insist that you tell them how you voted. Immediately after the polling stations close, election officers count the ballots and the results are announced on radio and television, and in the newspapers.

Excerpted from *Discover Canada: The Rights and Responsibilities of Citizenship Study Guide (2012)*.  
Citizenship and Immigration Canada: pp. 8-9. [www.cic.gc.ca/english/pdf/pub/discover.pdf](http://www.cic.gc.ca/english/pdf/pub/discover.pdf)



**Build a timeline of influential events. Pick what you think are the five most important events in the development of rights over time. Write or draw what is important about each event, placing it in chronological order on a Cause and Effect Timeline graphic organizer.**



**Do the rights we have in place today give everyone fair and equitable access to participate? To vote? What would you change if you could?**

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### Pause and Reflect

What impact, if any, do you think the *Charter of Rights and Freedoms* has on your daily life?

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What impact do you think the *Charter of Rights and Freedoms* has had on the development of democracy?

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### Pause and Reflect

How do the events you've selected for your timeline impact you?

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