



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 of a general election of its members.<sup>(81)</sup>

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.<sup>(82)</sup>

Annual sitting of legislative bodies      **5.** There shall be a sitting of Parliament and of each legislature at least once every twelve months.<sup>(83)</sup>

### *Mobility Rights*

Mobility of citizens      **6.** (1) Every citizen of Canada has the right to enter, remain in and leave Canada.

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.

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.

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*

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.

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

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

Arrest or detention      **10.** Everyone has the right on arrest or detention

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<sup>(81)</sup> See section 50 and the footnotes to sections 85 and 88 of the *Constitution Act, 1867*.

<sup>(82)</sup> Replaces part of Class 1 of section 91 of the *Constitution Act, 1867*, which was repealed as set out in subitem 1(3) of the Schedule to this Act.

<sup>(83)</sup> See the footnotes to sections 20, 86 and 88 of the *Constitution Act, 1867*.

(a)

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.<sup>(84)</sup>

*Official Languages of Canada*

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.

Official languages of New Brunswick (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.

Advancement of status and use (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.

English and French linguistic communities in New Brunswick **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.

Role of the legislature and government of New Brunswick (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.<sup>(85)</sup>

Proceedings of Parliament **17.** (1) Everyone has the right to use English or French in any debates and other proceedings of Parliament.<sup>(86)</sup>

Proceedings of New Brunswick legislature (2) Everyone has the right to use English or French in any debates and other proceedings of the legislature of New Brunswick.<sup>(87)</sup>

Parliamentary statutes and records **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.<sup>(88)</sup>

New Brunswick statutes and records (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.<sup>(89)</sup>

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<sup>(84)</sup> Subsection 32(2) provides that section 15 shall not have effect until three years after section 32 comes into force. Section 32 came into force on April 17, 1982; therefore, section 15 had effect on April 17, 1985.

<sup>(85)</sup> Section 16.1 was added by the *Constitution Amendment, 1993 (New Brunswick)*. See SI/93-54.

<sup>(86)</sup> See section 133 of the *Constitution Act, 1867*, and the footnote thereto.

<sup>(87)</sup> *Id.*

<sup>(88)</sup> *Id.*

<sup>(89)</sup> *Id.*

Proceedings in  
courts  
established by  
Parliament

**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<sup>(90)</sup>

Proceedings in  
New Brunswick  
courts

(2) Either English or French may be used by any person in, or in any pleading in or process

Continuity of language instruction

(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.

Application where numbers warrant

(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 of public funds.

### *Enforcement*

Enforcement of guaranteed rights and freedoms

**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.

Exclusion of evidence bringing administration of justice into disrepute

(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*

Aboriginal rights and freedoms not affected by Charter

**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.<sup>(94)</sup>

Other rights and freedoms not affected by Charter

**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.

Multicultural heritage

**27.** This Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians.

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<sup>(94)</sup> Paragraph 25(b) was repealed and re-enacted by the *Constitution Amendment Proclamation, 1983*. See SI/84-102.

**Paragraph 25(b) as originally enacted read as follows:**

“(b) any rights or freedoms that may be acquired by the aboriginal peoples of Canada by way of land claims settlement.”

Rights guaranteed equally to both sexes

**28.** Notwithstanding anything in this Charter, the rights and freedoms referred to in it are guaranteed equally to male and female persons.

Rights respecting certain schools preserved

**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.<sup>(95)</sup>

Application to territories and territorial authorities

**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.

Legislative powers not extended

**31.** Nothing in this Charter extends the legislative powers of any body or authority.

### *Application of Charter*

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.

Exception

(2) Notwithstanding subsection (1), section 15 shall not have effect until three years after this section comes into force.

Exception where express declaration

**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.

Operation of exception

(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.

Five year limitation

(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.

Re-enactment

(4) Parliament or the legislature of a province may re-enact a declaration made under subsection (1).

Five year limitation

(5) Subsection (3) applies in respect of a re-enactment made under subsection (4).

### *Citation*

Citation

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

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<sup>(95)</sup> See section 93 of the *Constitution Act, 1867*, and the footnote thereto.