

Proposed Ontario Draft for Discussion by First Ministers

5. The provisions of this division may be cited as the Canadian Charter of Rights and Freedoms.

Fundamental Freedoms

Fundamental freedoms

6.(1) Everyone has the right to the following fundamental freedoms:

- (a) freedom of conscience and religion;
- (b) freedom of thought, opinion and expression including freedom in the dissemination of news, opinion and belief; and
- (c) freedom of peaceful assembly and of association.

Justifiable limitations

(2) The manifestation or exercise of the freedoms declared by this section may be made subject only to such limitations prescribed by law as are reasonably justifiable in a free and democratic society in the interests of national security, public safety, order, health or morals or any rights and freedoms of others.

Democratic Rights

Democratic rights of citizens

7. Consistent with the principles of free and democratic elections to the House of Commons and to the legislative assemblies, and of universal suffrage for that purpose, every citizen of Canada shall, without unreasonable distinction or limitation, have

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.

Duration of elected legislative bodies

8.(1) No House of Commons and no legislative assembly of a province shall continue for longer than five years from the date of the return of the writs for the choosing of its members.

Continuation in special circumstances

(2) Notwithstanding subsection (1), in time of real or apprehended war, invasion or insurrection, a House of Commons may be continued by Parliament and a legislative assembly of a province may be continued by the legislature thereof beyond the time limited therefore by or under subsection (1), 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.

Annual sitting of elected legislative bodies

9. There shall be a sitting of Parliament and of each legislature at least once in every year and not more than twelve months shall intervene between sittings.

Official Languages

10.(1) English and French are the official languages of Canada, having the status and protection set forth in this Charter.

(2) Nothing in this Charter limits the authority of Parliament or of the legislature of a province to extend the status protection or use of the English and French languages.

Language Rights

11.(1) Everyone has the right to use English or French, as he or she may choose, in any of the debates or other proceedings of Parliament.

(2) Everyone has the right to use English or French, as he or she may choose, in the debates of the legislative assembly of any province.

12. The statutes and the records and journals of Parliament shall be printed and published in English and French and both language versions shall be equally authoritative.

13.(1) Either English or French may be used by any person in, or in any pleading or process in or issuing from, the Supreme Court of Canada or any court constituted by Parliament.

(2) Either English or French may be used by any person in, or in any pleading or process in or issuing from, any court of a province, to the greatest extent possible accordingly as the legislature of the province prescribes.

14.(1) Any member of the public in Canada has the right to communicate with and to receive services from any head or central office of an institution of government of Canada in English or French, as he or she may choose and he or she has the same right with respect to any other principal office of any such institution where that office is located within an area of Canada in which it is determined, in such manner as

may be prescribed or authorized by Parliament, that a substantial number of persons within the population use that language.

(2) Any member of the public in a province has the right to communicate with and to receive services from any head, central or other principal office of an institution of government of the province in English or French, as he or she may choose, to the extent to which and in the areas of the province in which it is determined, in such manner as may be prescribed or authorized by the legislature of the province that the right should pertain having regard to the practicability and necessity of providing such services.

15.(1) Any person in a province who is a member of an English-speaking or French-speaking minority population of that province has a right to have his or her children receive their educational instruction in their minority language at the primary and secondary school level wherever the number of children of such persons resident in an area of the province is sufficient to warrant the provision of minority language education facilities in that area out of public funds.

(2) In each province, the legislature may enact provisions for the determination of whether or not the number of children of an English-speaking or French-speaking minority population in an area of the province is sufficient to warrant the provision of minority language education facilities in that area.

16. Nothing in sections 10 to 15 abrogates or derogates from any legal or customary right or privilege acquired or enjoyed either before or after the commencement of this Act with respect to English or French, and any other language in Canada.

Undeclared Rights

17. Nothing in this Charter abrogates or derogates from any right or freedom not declared by it that may exist in Canada, including any right or freedom that may pertain to the native peoples of Canada.