

SECTION 13
Protection Against Self-Incrimination

Compilation of primary documents to assist in interpreting the public
meaning of Section 13 of the *Constitution Act, 1982*

Second Edition

August, 2025



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The Constitution Act, 1982

Part I. Canadian Charter of Rights and Freedoms Legal Rights

Self-crimination

Section 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.*

PART 1:

Drafting History of the Charter of Rights and Freedoms Pertaining to Section 13's Public Meaning

Drafts of the Charter of Rights and Freedoms:

January 8, 1979: Canadian Charter of Rights & Freedoms, Federal Draft, tabled at Meeting of Officials on the Constitution, (January 11-12, 1979)

October 17, 1979: Rights and Freedoms within the Canadian Federation, Federal Draft, tabled at the Continuing Committee of Ministers on the Constitution (October 22-23, 1979)

November 5, 1979: Rights and Freedoms within the Canadian Federation, Federal Draft, tabled at the Meeting of Officials on the Constitution (November 15-16, 1979)

July 4, 1980: Continuing Committee of Ministers on the Constitution, Rights and Freedoms within the Canadian Federation, Discussion Draft (July 8-11, 1980)

July 4, 1980: Comité Permanent des Ministres sur la Constitution, Droits et Libertés à l'Interieur de la Fédération Canadienne, Document de Travail (July 8-11, 1980)

July 16, 1980: Revised Discussion Draft with Memo re Section 1 (July 18, 1980)

August 5, 1980: Revised Discussion Draft with Memo (August 5, 1980)

August 8, 1980: Formalities to Bill: Joint Resolution (August 8, 1980)

August 22, 1980: Discussion Draft (Federal) (August 26-29, 1980)

August 28, 1980: Provincial Proposal (In the event that there is going to be entrenchment) (August 26-29, 1980)

September 3, 1980: Revised Discussion Draft (September 8-12, 1980)

September 3, 1980 : Conference Fédérale-Provinciale des Premiers Ministres, Document de Travail, Charte Canadienne des Droits et Libertés (September 3, 1980)

September 24, 1980: Resolution for joint address to Her Majesty the Queen respecting the constitution of Canada (September 24, 1980)

October 2, 1980: Proposed Resolution for a Joint Address to Her Majesty the Queen respecting the Constitution of Canada with Handwritten Notes [Draft, Version1] (October 2, 1980)

October 2, 1980: Proposed Resolution for a Joint Address to Her Majesty the Queen respecting the Constitution of Canada with Handwritten Notes [Draft, Version 2] (October 2, 1980)

October 2, 1980: Proposed Resolution for a Joint Address to Her Majesty the Queen respecting the Constitution of Canada

November 12, 1980: Memorandum from Mary Dawson to F.J.E. Jordan (November 12, 1980)

November 14, 1980: Memo from E.I. MacDonald to Deputy Minister [Amendments] (November 14, 1980)

November 17, 1980: Draft, Memorandum to Ministers re: Possible Amendments to proposed Resolution on Constitution of Canada (November 17, 1980)

November 20, 1980: Annex [No Title] Draft (November 20, 1980)

November 21, 1980: Appendices: Some French Text and Corrections to Follow Draft (November 21, 1980)

November 24, 1980: Annexes to Memorandum to Cabinet from Minister of Justice Dated November 24, 1980 Respecting Possible Amendments to Proposed Resolution on Constitution of Canada (November 24, 1980)

November 25, 1980: Annexes to Memorandum to Ministers from Minister of Justice dated November 25, 1980 respecting Possible Amendments to Proposed Resolution on Constitution of Canada (November 24, 1980)

December 2, 1980: Memo from Senior Counsel (Public Law) to Deputy Minister re Charter of Rights and Right Against Self-Crimination (December 2, 1980)

December 8, 1980: Addendum to Memorandum to Ministers Dated November 25, 1980 from the Minister of Justice re: Possible Amendments to Proposed Resolution on Constitution of Canada (December 5, 1980)

December 12, 1980: Annexes to Memorandum to Ministers from Minister of Justice dated December 12, 1980 respecting Possible Amendments to Proposed Resolution on Constitution of Canada [Version 1] (December 12, 1980)

December 12, 1980: Annexes to Memorandum to Ministers from Minister of Justice dated December 12, 1980 respecting Possible Amendments to Pro-posed Resolution on Constitution of Canada [Version 2] (December 12, 1980)

December 12, 1980: Draft [No Title]

December 19, 1980: Consolidation of Proposed Amendments to the Proposed Resolution Respecting the Constitution of Canada (December 19, 1980)

December 30, 1980: Regroupement des Modifications Éventuelles à Apporter au Projet de Résolution concernant la Constitution du Canada, Version Provisoire (December 30, 1980)

January 9-12, 1981: Briefing Book for Clause by Clause Consideration of the Resolution (January 1981)

January 12, 1981: Version formally presented to Special Joint Committee by Jean Chretien (January 12, 1981)

Statutes and International Agreements:

1978: Bill C-60: An Act to amend the Constitution of Canada

[This section is incomplete]

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Drafts of the Charter of Rights and Freedoms

January 8, 1979: Canadian Charter of Rights & Freedoms, Federal Draft, tabled at Meeting of Officials on the Constitution, (January 11-12, 1979)

(i) the right not to give evidence before any court, tribunal, commission, board or other authority, if unreasonably denied counsel or if denied protection against self-crimination or other constitutional safeguard

(Source: Meeting of Officials on the Constitution, *Canadian Charter of Rights & Freedoms, Federal Draft*, [January 8, 1979] (Ottawa: 11-12 January, 1979). Click [HERE](#))

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October 17, 1979: Rights and Freedoms within the Canadian Federation, Federal Draft, tabled at the Continuing Committee of Ministers on the Constitution (October 22-23, 1979)

(i) the right, when compelled to give evidence, to counsel, to protection against self-crimination and to any other constitutional safeguard; and

(Source: Continuing Committee of Ministers on the Constitution, *Rights and Freedoms within the Canadian Federation Federal Draft*, [October 17, 1979] (Halifax: 22-23 October, 1979). Click [HERE](#))

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November 5, 1979: Rights and Freedoms within the Canadian Federation, Federal Draft, tabled at the Meeting of Officials on the Constitution (November 15-16, 1979)

(i) the right, when compelled to give evidence, to counsel, to protection against self-crimination and to any other constitutional safeguard; and

(Source: Meeting of Officials on the Constitution, *Rights & Freedoms within Canadian Federation, Federal Draft*, [November 5, 1979], Doc 840-177/005 (Toronto: 15-16 November, 1979). Click [HERE](#))

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July 4, 1980: Continuing Committee of Ministers on the Constitution, Rights and Freedoms within the Canadian Federation, Discussion Draft

6. (1) Everyone has the right to life, liberty and security of his or her person and the right not to be deprived thereof except by due process of law, which process encompasses the following:
[...]

i) the right, when compelled to give evidence before any court, tribunal, commission, board or other authority, to counsel, to protection against self-crimination and to any other constitutional safeguard;

(Source: Meeting of the Continuing Committee of Ministers on the Constitution, *Rights and Freedoms within the Canadian Federation, Discussion Draft. Tabled by the Delegation of the Government of Canada, 4 July 1980, Doc 830-81/027 (Montreal: 8-11 July 1980). Click [HERE.](#)*)

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July 16, 1980: Revised Discussion Draft with Memo re Section 1

6. (1) Everyone has the right to life, liberty and security of his or her person and the right not to be deprived thereof except by due process of law, which process encompasses:

[...]

i) the right, when compelled to give evidence before any court, tribunal, commission, board or other authority, to counsel, to protection against self-crimination and to any other constitutional safeguard;

(Source: Memo from Fred Jordan to Roger Tassé re Charter of Rights – Possible Modifications [with Possible Alternatives to Section 1 of July 4, 1980 Draft & Revised Discussion Draft (16 July 1980)] (18 July 1980). This text is found on p. 2. Click [HERE.](#))

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August 5, 1980: Revised Discussion Draft with Memo

13. A witness has the right when compelled to testify not to have any evidence so given used against him or her in any subsequent proceedings, except a prosecution for perjury or the giving of contradictory evidence.

14. A witness has the right not to be compelled to testify if denied counsel.

(Source: Memo from Deputy Minister of Justice to Prime Minister, Charter of Rights incl. Discussion Draft, The Canadian Charter of Rights and Freedoms (5 August 1980). Click [HERE.](#))

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August 8, 1980: Formalities to Bill: Joint Resolution

13. A witness has the right when compelled to testify not to have any evidence so given used against him or her in any subsequent proceedings, except a prosecution for perjury or the giving of contradictory evidence.

14. A witness has the right not to be compelled to testify if denied counsel.

(Source: Canada, Formalities to Bill, Draft Joint Resolution, An Act to Amend the Constitution of Canada (8 August 1980). Click [HERE.](#))

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August 22, 1980: Discussion Draft (Federal)

- 13. A witness has the right when compelled to testify not to have any evidence so given used against him or her in any subsequent proceedings, except a prosecution for perjury or the giving of contradictory evidence.
- 14. A witness has the right not to be compelled to testify if denied the right to consult counsel.

(Source: Continuing Committee of Ministers on the Constitution, *The Canadian Charter of Rights and Freedoms, Discussion Draft [Federal]*, (August 22, 1980), Doc 830-84/004 (Ottawa: 26-29 August 1980). Click [HERE.](#))

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August 28, 1980: Provincial Proposal (In the event that there is going to be entrenchment)

- 13. A witness has the right when compelled to testify not to have any evidence so given used against him or her in any subsequent proceedings, except a prosecution for perjury or the giving of contradictory evidence.

(Source: Continuing Committee of Ministers on the Constitution, *Provincial Proposal: The Canadian Charter of Rights and Freedoms* (August 28, 1980), Doc 830-84/031 (Ottawa: 26-29 August, 1980). Click [HERE.](#))

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September 3, 1980: Revised Discussion Draft

- 12. A witness has the right when compelled to testify not to have any evidence so given used to incriminate him or her in any subsequent proceedings, except a prosecution for perjury or for the giving of contradictory evidence.

(Source: Federal-Provincial First Ministers' Conference, *The Canadian Charter of Rights and Freedoms, Revised Discussion Draft, Federal*, [September 3, 1980] Doc 800-14/064 (Ottawa: 8-12 September 1980). Click [HERE.](#))

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September 24, 1980: Resolution for joint address to Her Majesty the Queen respecting the constitution of Canada

- 13. A witness has the right when compelled to testify not to have any evidence so given used to incriminate him or her in any subsequent proceedings, except a prosecution for perjury or for the giving of contradictory evidence.

(Source: Canada, Parliament, DRAFT, “Resolution for joint address to Her Majesty the Queen respecting the constitution of Canada” (24 September 1980). Click [HERE](#).)

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October 2, 1980: Proposed Resolution for a Joint Address to Her Majesty the Queen respecting the Constitution of Canada with Handwritten Notes [Draft, Version1]

13. A witness has the right when compelled to testify not to have any ^[incriminating] evidence so given used ~~to incriminate~~ ^[against] him or her in any other proceedings, except a prosecution for perjury or for the giving of contradictory evidence.

(Source: Canada, Parliament, DRAFT, Proposed Resolution for Joint Address to Her Majesty the Queen Respecting the Constitution of Canada, Version 1 (2 October 1980). Click [HERE](#).)

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October 2, 1980: Proposed Resolution for a Joint Address to Her Majesty the Queen respecting the Constitution of Canada with Handwritten Notes [Draft, Version 2]

13. A witness has the right when compelled to testify not to have any incriminating evidence so given used to incriminate him or her in any other proceedings, except a prosecution for perjury or for the giving of contradictory evidence.

(Source: Canada, Parliament, DRAFT, Proposed Resolution for Joint Address to Her Majesty the Queen Respecting the Constitution of Canada, Version 2 with Handwritten Notes (2 October 1980). Click [HERE](#).)

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October 2, 1980: Proposed Resolution for a Joint Address to Her Majesty the Queen respecting the Constitution of Canada

13. A witness has the right when compelled to testify not to have any incriminating evidence so given used to incriminate him or her in any other proceedings, except a prosecution for perjury or for the giving of contradictory evidence.

(Source: Canada, Parliament, “Proposed Resolution for a Joint Address to Her Majesty the Queen respecting the Constitution of Canada” in *Sessional Papers* (1980). Click [HERE](#).)

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November 12, 1980: Memorandum from Mary Dawson to F.J.E. Jordan:

13. A witness who is compelled to testify in any proceedings has the right not to have any incriminating evidence so given used against the witness in any other proceedings, except a prosecution for perjury or for the giving of contradictory evidence.

(Source: Memorandum from Mary Dawson to F.J.E. Jordan (12 November 1980). Click [HERE](#).)

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November 14, 1980: Memo from E.I. MacDonald to Deputy Minister [Amendments]:

13. A witness who is compelled to testify in any proceedings has the right not to have any incriminating evidence so given used against the witness in any other proceedings, except a prosecution for perjury or for the giving of contradictory evidence.

(Source: Memo from E.I. MacDonald to Deputy Minister [with Proposed Amendments] (14 November 1980). Click [HERE](#).)

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November 17, 1980: Draft, Memorandum to Ministers re: Possible Amendments to proposed Resolution on Constitution of Canada:

13. A witness who is compelled to testify in any proceedings has the right not to have any incriminating evidence so given used against the witness in any other proceedings, except a prosecution for perjury or for the giving of contradictory evidence.

(Source: Memorandum to Ministers re: Possible Amendments to proposed Resolution on Constitution of Canada (17 November 1980). Click [HERE](#).)

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November 20, 1980: Annex [No Title] Draft:

13. A witness who is compelled to testify in any proceedings has the right not to have any incriminating evidence so given used against the witness in any other proceedings, except a prosecution for perjury or for the giving of contradictory evidence.

(Source: [Department of Justice?], Annex [Drafts] (20 November 1980). Click [HERE](#).)

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November 21, 1980: Appendices: Some French Text and Corrections to Follow Draft

13. A witness who is compelled to testify in any proceedings has the right not to have any incriminating evidence so given used against the witness in any other proceedings, except a prosecution for perjury or for the giving of contradictory evidence.

(Source: [Department of Justice?], Appendices: Some French Text and Corrections to Follow Draft (21 November 1980). Click [HERE](#).)

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November 24, 1980: Annexes to Memorandum to Cabinet from Minister of Justice Dated November 24, 1980 Respecting Possible Amendments to Proposed Resolution on Constitution of Canada¹

13. A witness who is compelled to testify in any proceedings has the right not to have any incriminating evidence so given used against the witness in any other proceedings, except a prosecution for perjury or for the giving of contradictory evidence.

(Source: Annexes du Mémoire au Cabinet du Ministre de la Justice daté du 24 novembre 1980 concernant la possibilité d'apporter des modifications au Projet de résolution concernant la Constitution du Canada (24 novembre 1980). Click [HERE](#).)

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November 25, 1980: Annexes to Memorandum to Ministers from Minister of Justice dated November 25, 1980 respecting Possible Amendments to Proposed Resolution on Constitution of Canada²

13. A witness who is compelled to testify has the right not to have any incriminating evidence so given used against that witness in any other proceedings, except a prosecution for perjury or for the giving of contradictory evidence.

(Source: Annexes to Memorandum to Ministers from Minister of Justice dated November 25, 1980 respecting Possible Amendments to Proposed Resolution on Constitution of Canada (25 November 1980). Click [HERE](#).)

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December 2, 1980: Memo from Senior Counsel (Public Law) to Deputy Minister re Charter of Rights and Right Against Self-Crimination:

| Amend section 13 to read:

¹ [Memo](#) from this day is the same wording.

² Memos found on this day have the same wording. [\[Version 1\]](#)[\[Version 2\]](#)

“A witness testifying in any proceeding has the right not to have any incriminating evidence so given used against that person in any other proceeding, except a prosecution for perjury or for the giving of contradictory evidence.”

(Source: Memo from Senior Counsel (Public Law) to Deputy Minister, Charter of Rights and Right Against Self-Crimination (2 December 1980). Click [HERE](#).)

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December 8, 1980: Addendum to Memorandum to Ministers Dated November 25, 1980 from the Minister of Justice re: Possible Amendments to Proposed Resolution on Constitution of Canada:

13. A witness who testifies in any proceedings has the right not to have any incriminating evidence so given used against that witness in any other proceedings, except a prosecution for perjury or for the giving of contradictory evidence.

(Source: Memo from E.I. MacDonald, Addendum to Ministers dated November 25, 1980 from the Minister of Justice re: Possible Amendments to Proposed Resolution on Constitution of Canada (5 December 1980). Click [HERE](#).)

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December 12, 1980: Annexes to Memorandum to Ministers from Minister of Justice dated December 12, 1980 respecting Possible Amendments to Proposed Resolution on Constitution of Canada [Version 1]:

13. A witness who testifies in any proceedings has the right not to have any incriminating evidence so given used against that witness in any other proceedings, except a prosecution for perjury or for the giving of contradictory evidence.

(Source: Annexes to Memorandum to Ministers from Minister of Justice dated December 12, 1980 respecting Possible Amendments to Proposed Resolution on Constitution of Canada [Version 1] (12 December 1980). Click [HERE](#).)

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December 12, 1980: Annexes to Memorandum to Ministers from Minister of Justice dated December 12, 1980 respecting Possible Amendments to Proposed Resolution on Constitution of Canada [Version 2]:

13. A witness who testifies in any proceedings has the right not to have any incriminating evidence so given used against that witness in any other proceedings, except a prosecution for perjury or for the giving of contradictory evidence.

(Source: Annexes to Memorandum to Cabinet from Minister of Justice Dated December 12, 1980 Respecting Possible Amendments to Proposed Resolution on Constitution of Canada [Version 2] (12 December 1980). Click [HERE](#).)

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December 12, 1980: Draft [No Title]

A witness who testifies in any proceedings has the right not to have any incriminating evidence so given used against the ^{that} witness in any other proceedings, except a prosecution for perjury or for the giving of contradictory evidence.

(Source: [Department of Justice?], [DRAFT], Constitution Act, 1980. Click [HERE](#).)

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December 19, 1980: Consolidation of Proposed Amendments to the Proposed Resolution Respecting the Constitution of Canada

A witness who testifies in any proceedings has the right not to have any incriminating evidence so given used against the ^{that} witness in any other proceedings, except a prosecution for perjury or for the giving of contradictory evidence.

(Source: Consolidation of Proposed Amendments to the Proposed Resolution Respecting the Constitution of Canada (19 December 1980). Click [HERE](#).)

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January 9-12, 1981: Briefing Book for Clause by Clause Consideration of the Resolution:

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.

(Source: Canada, *Briefing Book for Clause by Clause Consideration of the Resolution* (January 1981). Click [HERE](#).)

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January 12, 1981: Version formally presented to Special Joint Committee by Jean Chretien³

³ See also [January 9-12, 1981: Briefing Book for Clause by Clause Consideration of the Resolution](#).

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.

(Source: Canada, Parliament, *Minutes of Proceedings and Evidence of the Special Joint Committee of the Senate and of the House of Commons on the Constitution of Canada*, 32nd Parl, 1st Sess, No 36 (12 January 1981). Click [HERE](#).)

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French:

July 4, 1980: Comité Permanent des Ministres sur la Constitution, Droits et Libertés à l'Interieur de la Fédération Canadienne, Document de Travail

6. (1) Toute personne ad liberté et a la sécurité de sa personne et a le droit de n'en être privée que par l'application régulière de la loi qui comprend nécessairement :

[...]

(i) le droit, si elle est requise de témoigner devant un tribunal, une commission, un conseil ou un autre organisme, aux services d'un avocat, a la protection contre les déclarations incriminantes et aux autres garanties constitutionnelles,

(Source: Comité Permanent des Ministres sur la Constitution, *Droits et Libertés à l'Interieur de la Fédération Canadienne, Document de Travail*, Doc: 830-81/027 (Montréal: 8-11 juillet 1980). Click [HERE](#).)

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September 3, 1980: Conference Fédérale-Provinciale des Premiers Ministres, Document de Travail, Charte Canadienne des Droits et Libertés

12. Un témoin a le droit, s'il est contraint de témoigner, à ce que son témoignage ne soit pas utilisé pour l'incriminer dans des procédures ultérieures sauf lors d'une poursuite pour parjure ou pour témoignages contradictoires.

(Source: Conference Fédérale-Provinciale des Premiers Ministres, *Document de Travail, Charte Canadienne des Droits et Libertés* (3 septembre 1980). Click [HERE](#).)

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September 24, 1980: Resolution for joint address to Her Majesty the Queen respecting the constitution of Canada

13. Le témoin a droit, s'il est contraint de témoigner, à ce que son témoignage ne soit pas utilisé pour l'incriminer dans des procédures ultérieures, sauf lors de poursuites pour parjure ou pour témoignages contradictoires.

(Source: Canada, Parliament, DRAFT, "Resolution for joint address to Her Majesty the Queen respecting the constitution of Canada" (24 September 1980). Click [HERE](#).)

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October 2, 1980: Proposed Resolution for a Joint Address to Her Majesty the Queen respecting the Constitution of Canada with Handwritten Notes [Draft, Version1]

13. Chacun a droit, s'il est contraint de témoigner, à ce que son témoignage ne soit pas utilisé pour l'incriminer dans d'autres procédures, sauf lors de poursuites pour parjure ou pour témoignages contradictoires.

(Source: Canada, Parliament, DRAFT, Proposed Resolution for Joint Address to Her Majesty the Queen Respecting the Constitution of Canada, Version 1 (2 October 1980). Click [HERE](#).)

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October 2, 1980: Proposed Resolution for a Joint Address to Her Majesty the Queen respecting the Constitution of Canada with Handwritten Notes [Draft, Version 2]

13. Chacun a droit, s'il est contraint de témoigner, à ce qu'aucun témoignage incriminant qu'il donne ne soit utilisé pour l'incriminer dans d'autres procédures, sauf lors de poursuites pour parjure ou pour témoignages contradictoires.

(Source: Canada, Parliament, DRAFT, Proposed Resolution for Joint Address to Her Majesty the Queen Respecting the Constitution of Canada, Version 2 with Handwritten Notes (2 October 1980). Click [HERE](#).)

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October 2, 1980: Proposed Resolution for a Joint Address to Her Majesty the Queen respecting the Constitution of Canada

13. Chacun a droit, s'il est contraint de témoigner, à ce qu'aucun témoignage incriminant qu'il donne ne soit utilisé pour l'incriminer dans d'autres procédures, sauf lors de poursuites pour parjure ou pour témoignages contradictoires.

(Source: Canada, Parliament, "Proposed Resolution for a Joint Address to Her Majesty the Queen respecting the Constitution of Canada" in *Sessional Papers* (1980). Click [HERE](#).)

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November 20, 1980: Annex [No Title] Draft:

13. Chacun a droit, s'il est contraint de témoigner, à ce qu'aucun témoignage incriminant qu'il aura rendu ne soit utilisé contre lui dans d'autres procédures, sauf lors de poursuites pour parjure ou pour témoignage contradictoire.

(Source: [Department of Justice?], Annex [Drafts] (20 November 1980). Click [HERE](#).)

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November 21, 1980: Appendices: Some French Text and Corrections to Follow Draft

13. Chacun a droit, s'il est contraint de témoigner, à ce qu'aucun témoignage incriminant qu'il aura rendu ne soit utilisé contre lui dans d'autres procédures, sauf lors de poursuites pour parjure ou pour témoignage contradictoire.

(Source: [Department of Justice?], Appendices: Some French Text and Corrections to Follow Draft (21 November 1980). Click [HERE](#).)

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November 24, 1980: Annexes to Memorandum to Cabinet from Minister of Justice Dated November 24, 1980 Respecting Possible Amendments to Proposed Resolution on Constitution of Canada⁴

13. Chacun a droit, s'il est contraint de témoigner, à ce qu'aucun témoignage incriminant qu'il aura rendu ne soit utilisé contre lui dans d'autres procédures, sauf lors de poursuites pour parjure ou pour témoignage contradictoire.

(Source: Annexes du Mémoire au Cabinet du Ministre de la Justice daté du 24 novembre 1980 concernant la possibilité d'apporter des modifications au Projet de résolution concernant la Constitution du Canada (24 novembre 1980). Click [HERE](#).)

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December 8, 1980: Addendum to Memorandum to Ministers Dated November 25, 1980 from the Minister of Justice re: Possible Amendments to Proposed Resolution on Constitution of Canada:

13. Chacun a droit, s'il est contraint de témoigner, à ce qu'aucun témoignage incriminant qu'il aura rendu ne soit utilisé contre lui dans d'autres procédures, sauf lors de poursuites pour parjure ou pour témoignage contradictoire.

(Source: Memo from E.I. MacDonald, Addendum to Ministers dated November 25, 1980 from the Minister of Justice re: Possible Amendments to Proposed Resolution on Constitution of Canada (5 December 1980). Click [HERE](#).)

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December 12, 1980: Annexes to Memorandum to Ministers from Minister of Justice dated December 12, 1980 respecting Possible Amendments to Proposed Resolution on Constitution of Canada [Version 1]

⁴ [Memo](#) from this day is the same wording.

13. Chacun a droit, s'il est contraint de témoigner, à ce qu'aucun témoignage incriminant qu'il aura rendu ne soit utilisé contre lui dans d'autres procédures, sauf lors de poursuites pour parjure ou pour témoignage contradictoire.

(Source: Annexes to Memorandum to Ministers from Minister of Justice dated December 12, 1980 respecting Possible Amendments to Proposed Resolution on Constitution of Canada [Version 1] (12 December 1980). Click [HERE](#).)

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December 12, 1980: Annexes to Memorandum to Ministers from Minister of Justice dated December 12, 1980 respecting Possible Amendments to Pro-posed Resolution on Constitution of Canada [Version 2]:

13. Chacun a droit, s'il est contraint de témoigner, à ce qu'aucun témoignage incriminant qu'il aura rendu ne soit utilisé contre lui dans d'autres procédures, sauf lors de poursuites pour parjure ou pour témoignage contradictoire.

(Source: Annexes to Memorandum to Cabinet from Minister of Justice Dated December 12, 1980 Respecting Possible Amendments to Proposed Resolution on Constitution of Canada [Version 2] (12 December 1980). Click [HERE](#).)

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December 30, 1980: Regroupement des Modifications Éventuelles à Apporter au Projet de Résolution concernant la Constitution du Canada, Version Provisoire

13. Chacun a droit, s'il est contraint de témoigner, à ce qu'aucun témoignage incriminant qu'il aura rendu ne soit utilisé contre lui dans d'autres procédures, sauf lors de poursuites pour parjure ou pour témoignage contradictoire.

(Source: Regroupement des Modifications Éventuelles à Apporter au Projet de Résolution concernant la Constitution du Canada, Version Provisoire (30 décembre 1980). Click [HERE](#).)

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January 9-12, 1981: Briefing Book for Clause by Clause Consideration of the Resolution:

13 Chacun a droit à ce qu'aucun témoignage incriminant qu'il donne ne soit utilisé pour l'incriminer dans d'autres procédures, sauf lors de poursuites pour parjure ou pour témoignages contradictoires.

(Source: Canada, *Briefing Book for Clause by Clause Consideration of the Resolution* (January 1981). Click [HERE](#).)

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January 12, 1981: Version formally presented to Special Joint Committee by Jean Chretien⁵

13 Chacun a droit à ce qu'aucun témoignage incriminant qu'il donne ne soit utilisé pour l'incriminer dans d'autres procédures, sauf lors de poursuites pour parjure ou pour témoignages contradictoires.

(Source: Canada, Parliament, *Minutes of Proceedings and Evidence of the Special Joint Committee of the Senate and of the House of Commons on the Constitution of Canada*, 32nd Parl, 1st Sess, No 36 (12 January 1981). Click [HERE](#).)

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⁵ See also [January 9-12, 1981: Briefing Book for Clause by Clause Consideration of the Resolution](#).

Statutes and International Agreements

June 20, 1978: Bill C-60: An Act to amend the Constitution of Canada

[...]—the right not to give evidence before any court, tribunal, commission, board or other authority, if the individual is denied counsel, protection against self-crimination or other constitutional safeguards;

(**Source:** Bill C-60, *An Act to amend the Constitution of Canada with respect to matters coming within the legislative authority of the Parliament of Canada, and to approve and authorize the taking of measures necessary for the amendment of the Constitution with respect to certain other matters*, 3rd Sess, 30th Parl, SC, 1978 (June 20, 1978). Click [HERE](#))

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