

## Bill of Rights FAQs

### Questions and Answers:

**Q.** Has the Bill and the Charter both had Royal Assent?

**A.** *No, only the Bill has had Royal Assent. The Charter was not passed into law because it cannot be ratified.*

**Q.** Is the Bill too restrictive to help protect our rights regarding COVID-19 measures because it only applies to federal matters?

**A.** *No because although the Bill only applies to federal matters all COVID-19 measures involving law enforcement and use of force are regulated by Section 25 (1) of the Criminal Code of Canada and therefore the enforcement falls under the provisions of the Bill. This would include when you are being forced to comply with Covid-19 measures or when the state is forcing you as a business owner to enforce mask requirements and vaccination passports by force. If they do not have a mask or a passport where you are legally required to enforce you must use force to keep them out of your business. You have to apply the force yourself or call the police to enforce otherwise they will heavily fine you and they will shut down your business and potentially jail you if you disobey a related court order. In the case of JAKK Tuesdays Pub in Kingston that was shut down by public health because owner Kelly Hale refused to enforce mask and vaccination passport requirements as condition to receive service, Kelly stated that he could not do this because it would violate his customers right to privacy and informed consent and would be committing crimes such as uttering threats, extortion, and inciting hatred. Kelly is challenging these requirements under the Bill. Kelly is taking the position as a member of this society that he has the rights under the Bill when force is being used against him. He has the right to enjoy property and to be treated equally and protected equally by the law as well, the right to be treated as innocent until proven guilty which is not being done in his case. Kelly also argues that he must adhere to the Bill when he is enforcing law against his customers. Kelly did not invoke the Charter and he refers to it as a communist document, rather he is merely citing the Bill in various hearings. He was not stopped from citing the Bill by the adjudicators. It is Kelly's strong expectation that appeals court will uphold his rights protected in the Bill as he still has confidence in our system of law and in the common law principles that guide the administration of justice in Canada. He has not violated anyone or their property therefore his rights should not be violated by the state. In his case there was no "immediate risk" to the public and he was able to prove that in court. However, the public health is trying to establish they can do all this to him because there "may" have been an immediate risk even though we are not in a state of emergency. I hope people listen up because this public health power can be used to force vaccination, force quarantine, closure, or home businesses, churches etc., if there "may" be an immediate risk. You cannot defend against this condition if it is allowed to pass clearing into law. The various Charter challenges will help the government pass it into law and then they will have the capacity to severely and easily violate all your rights at the snap of a finger as they have done with Covid-19. Watch these Charter Challenges carefully and support Kelly in his use of the Bill.*

**Q.** Can the Bill overturn the Covid-19 laws?

**A.** *Yes if the law is Federal. It cannot overturn the provincial laws, but it can stop them from being enforced in violation of the common law rights codified in the Bill. However, in Alberta they have an Alberta Bill of Rights that can be used to overturn the Covid-19 measures as it applies to all provincial matters. The Alberta Emergency Act also states that the emergency measures are not to override the provisions of ABR.*

**Q.** Does the Charter Supersede the Bill?

**A.** *No Section 26 of the Charter states all rights that were in effect before the Charter are still in effect. As well the Statutory Instruments Act 1985 and the Emergency Act 1988 both refer to the need of the government to respect the provisions of the Bill.*

**Q.** Do police, bylaw, public health, conservation authorities and private citizens enforcing the COVID measures must abide by the provisions of the Bill?

**A.** *Yes, all police, bylaw, public health, conservation authorities and private citizens enforcing the COVID measures must abide by the provisions of the Bill because all law enforcement is regulated through the Criminal Code of Canada and are therefore a federal matter and have obligations to regard the provisions of the Bill.*



# Canadian Bill of Rights

1960, c. 44

## An Act for the Recognition and Protection of Human Rights and Fundamental Freedoms

Assented to 10th August 1960



**T**he Parliament of Canada, affirming that the Canadian Nation is founded upon principles that acknowledge the supremacy of God, the dignity and worth of the human person and the position of the family in a society of free men and free institutions;

affirming also that men and institutions remain free only when freedom is founded upon respect for moral and spiritual values and the rule of law;

and being desirous of enshrining these principles and the human rights and fundamental freedoms derived from them, in a Bill of Rights which shall reflect the respect of Parliament for its constitutional authority and which shall ensure the protection of these rights and freedoms in Canada:

Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

### PART I

#### Bill of Rights

1. It is hereby recognized and declared that in Canada there have existed and shall continue to exist without discrimination by reason of race, national origin, colour, religion or sex, the following human rights and fundamental freedoms, namely:

- (a) the right of the individual to life, liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except by due process of law;
- (b) the right of the individual to equality before the law and the protection of the law;
- (c) freedom of religion;
- (d) freedom of speech;
- (e) freedom of assembly and association; and
- (f) freedom of the press.

2. Every law of Canada shall, unless it is expressly declared by an Act of the Parliament of Canada that it shall operate notwithstanding the

Canadian Bill of Rights, be so construed and applied as not to abrogate, abridge or infringe or to authorize the abrogation, abridgment or infringement of any of the rights or freedoms herein recognized and declared, and in particular, no law of Canada shall be construed or applied so as to:

- (a) authorize or effect the arbitrary detention, imprisonment or exile of any person;
- (b) impose or authorize the imposition of cruel and unusual treatment or punishment;
- (c) deprive a person who has been arrested or detained
  - (i) of the right to be informed promptly of the reason for his arrest or detention,
  - (ii) of the right to retain and instruct counsel without delay, or
  - (iii) of the remedy by way of *habeas corpus* for the determination of the validity of his detention and for his release if the detention is not lawful;
- (d) authorize a court, tribunal, commission, board or other authority to compel a person to give evidence if he is denied counsel, protection against self incrimination or other constitutional safeguards;
- (e) deprive a person of the right to a fair hearing in accordance with the principles of fundamental justice for the determination of his rights and obligations;
- (f) deprive a person charged with a criminal offence of the right to be presumed innocent until proved guilty according to law in a fair and public hearing by an independent and impartial tribunal, or of the right to reasonable bail without just cause; or
- (g) deprive a person of the right to the assistance of an interpreter in any proceedings in which he is involved or in which he is a party or a witness, before a court, commission, board or other tribunal, if he does not understand or speak the language in which such proceedings are conducted.

3. (1) Subject to subsection (2), the Minister of Justice shall, in accordance with such regulations as may be prescribed by

the Governor in Council, examine every regulation transmitted to the Clerk of the Privy Council for registration pursuant to the *Statutory Instruments Act* and every Bill introduced in or presented to the House of Commons by a Minister of the Crown, in order to ascertain whether any of the provisions thereof are inconsistent with the purposes and provisions of this Part and he shall report any such inconsistency to the House of Commons at the first convenient opportunity.

(2) If regulation need not be examined in accordance with subsection (1) if prior to being made it was examined as a proposed regulation in accordance with section 3 of the *Statutory Instruments Act* to ensure that it was not inconsistent with the purposes and provisions of this Part, 1960, c. 44, s. 3; 1970-71-72, c. 38, s. 29; 1985, c. 26, s. 105; 1992, c. 1, s. 144(F).

4. The provisions of this Part shall be known as the *Canadian Bill of Rights*.

### PART II

5. (1) Nothing in Part I shall be construed to abrogate or abridge any human right or fundamental freedom not enumerated therein that may have existed in Canada at the commencement of this Act.

(2) The expression "law of Canada" in Part I means an Act of the Parliament of Canada enacted before or after the coming into force of this Act, any order, rule or regulation thereunder, and any law in force in Canada or in any part of Canada at the commencement of this Act that is subject to be repealed, abolished or altered by the Parliament of Canada.

(3) The provisions of Part I shall be construed as extending only to matters coming within the legislative authority of the Parliament of Canada.

*I am a Canadian, a free Canadian, free to speak without fear, free to worship God in my own way, free to stand for what I think right, free to oppose what I believe wrong, free to choose those who shall govern my country. This heritage of freedom I pledge to uphold for myself and all mankind.*

*John G. Diefenbaker*

The Right Honourable John G. Diefenbaker, Prime Minister of Canada, House of Commons Debates, July 1, 1960.

