

Canadian Charter of Rights and Freedoms

Legal Rights - Questions

7) Life, liberty and security of person

Give an example of a situation where someone is not able to make a decision about their right to life.

Give an example of a situation where someone might not have the same rights to liberty as others, or may have those rights taken away.

8) Search or seizure

Describe a situation where you think it would be reasonable for a police officer to conduct a search of you or your possessions.

9) Detention or imprisonment

What is the difference between a good reason to stop and detain a person, and a poor reason? Describe and explain the difference between these two situations.

10) Arrest or detention

Definitions:

- *Counsel*: a lawyer
- *Habeas corpus*: the right to be brought before a court to determine if your detention is lawful

In your own words, describe 10(a), 10(b), and 10(c) from the Charter.

10(a)

10(b)

10(c)

11) Proceedings in criminal and penal matters

Rewrite each of the following rights in your own words and briefly describe why it is an important right with an example.

(a) to be informed without unreasonable delay of the specific offence;

(b) to be tried within a reasonable time;

(c) not to be compelled to be a witness in proceedings against that person in respect of the offence;

(d) to be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal;

(e) not to be denied reasonable bail without just cause;

(f) except in the case of an offence under military law tried before a military tribunal, to the benefit of trial by jury where the maximum punishment for the offence is imprisonment for five years or a more severe punishment;

(g) not to be found guilty on account of any act or omission unless, at the time of the act or omission, it constituted an offence under Canadian or international law or was criminal according to the general principles of law recognized by the community of nations;

(h) if finally acquitted of the offence, not to be tried for it again and, if finally found guilty and punished for the offence, not to be tried or punished for it again; and

(i) if found guilty of the offence and if the punishment for the offence has been varied between the time of commission and the time of sentencing, to the benefit of the lesser punishment.

12) Treatment or punishment

What is a good way of determining what is “cruel” or “unusual”? How could we determine what a fair punishment is? Describe.

13) Self-crimination

On TV and in movies, we often see characters who say “I refuse to answer on grounds that I might incriminate myself”. In Canada, witnesses are protected in a different way. They may present incriminating evidence, but that evidence cannot be used against them in another proceeding.

a) How are these two forms of protection similar?

b) How are they different?

14) Interpreter

Describe an example or a situation where this would apply.



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