

As the Charter turns 40, human rights groups say it hasn't achieved 'full potential'

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The Canadian Press, Sarah Ritchie

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OTTAWA -- Canadian human rights organizations say the 40th anniversary of the Charter of Rights and Freedoms is an opportunity to acknowledge its shortcomings and call for change.

Sen. Marilou McPhedran, who was involved in campaigning for stronger gender protections through Section 28 of the Charter, hosted a news conference Thursday to mark the anniversary, which is Sunday.

Some activists say the document hasn't yet achieved its full potential and that governments have continued to violate the rights of Canadians, citing the continued operation of residential schools after 1982 as an example.

Fareed Khan, the founder of Canadians United Against Hate, said Quebec's law preventing some public servants from wearing religious symbols is another example of a government violating the rights of minority groups.

Khan said Canadians need to be willing to stand up for their rights in order to protect them, and said the Charter still does not apply equally to all.

The president of Canadians for Justice and Peace in the Middle East called for better reporting of hate crimes and better tools to address racism and discrimination.

"For decades, the Charter has been the source of change, progress and the affirmation of our society's values," Thomas Woodley said in a statement.

However, he added "we are compelled to call on the federal and provincial governments to be much better at recognizing and addressing the deep issues of prejudice and discrimination that continue to plague our society."

The groups want better education about Charter rights and freedoms in schools and better awareness about its guarantees across Canadian society.

"If we don't know our rights, we cannot live our rights," McPhedran said.

John Packer, a constitutional expert with the University of Ottawa Human Rights Research and Education Centre, said the so-called freedom convoy protests in Ottawa and elsewhere in February highlighted an "enormous amount of confusion" about the rights of protesters.

"There is no explicit -- expressis verbis -- right to protest, for example, in our Constitution," he said.

But the core human right to "rebel against excessive abuse of authority," he said, is protected through several Charter-protected rights: the rights to freedom of expression, freedom of assembly, freedom of speech and freedom of movement.

He also said he welcomes the court challenge brought by the Canadian Civil Liberties Association against the federal government's decision to invoke the Emergencies Act during the protests.

"I think that it is extraordinary that the Emergencies Act was invoked in the circumstances that it was invoked," Packer said, noting that it was not used during the COVID-19 pandemic, although experts have suggested it could have been.

"The act itself is explicitly limited. It may not, for example, suspend Charter rights."

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