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This publication is made possible through funding assistance from:





Multiculturalism in Canada

Your Rights
and Obligations



The **League for Human Rights**, an agency of B'nai Brith Canada, is dedicated to combating antisemitism and racism. The objectives of the League include advocating for human rights for all Canadians, building bridges between communities, and fighting racial discrimination and bigotry in all its manifestations. The League accomplishes these goals through educational outreach programs, anti-racism initiatives, community action and legal/legislative interventions.

The *League* operates a twenty-four-hour, seven-day-a-week Anti-Hate Community Hotline (1-800-892-BNAI [2624]) offering assistance to victims of antisemitism and hate-motivated crimes. *League* members interact on an ongoing basis with the community, the police, synagogues and schools, legal and legislative experts, and government agencies that deal with racism.



Multiculturalism: Rights and Obligations

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Introduction

Our ability to be proud Canadians while respecting our differences is what makes us unique, and has earned us the admiration of other nations.

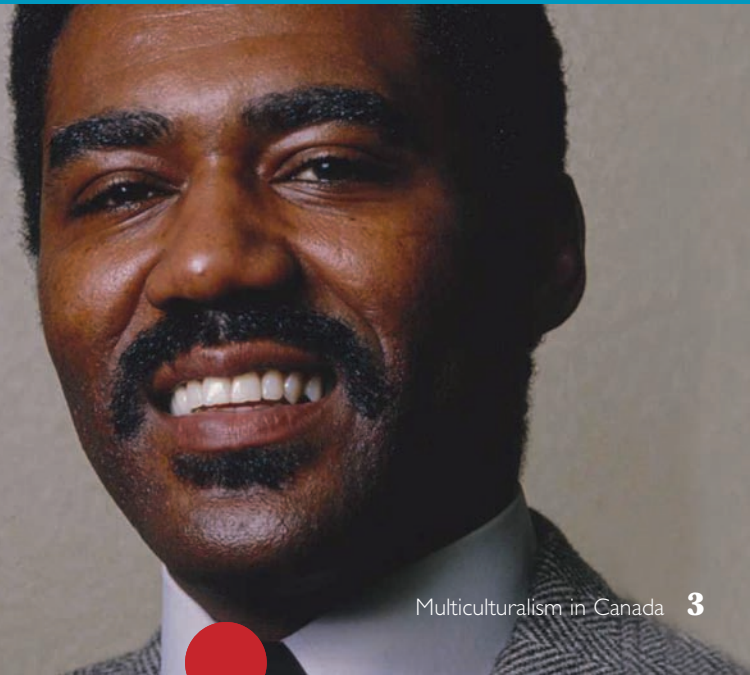
—Prime Minister Stephen Harper

“But if there are any responsibilities attached to this honour, I am going home to Dharamsala right now.”

—The Dalai Lama, upon being awarded Canadian citizenship.

Canada is proud to be one of the world’s most multicultural nations, one that is committed to equal and fair treatment for all of its diverse groups. Canada is home to a dynamic model of multiculturalism that celebrates the freedom of ethnic communities to express their own cultural and religious heritage.

We often talk about the many rights we enjoy as Canadians, but we must remember that there are obligations too in this vision of a multicultural Canada.



What Does the Law Say?

Universal Declaration of Human Rights

As a member of the United Nations, Canada has endorsed the 1948 *Universal Declaration of Human Rights*. The *Declaration*, which was the first comprehensive agreement among nations as to the specific rights and freedoms of all human beings, bore special significance because it followed so quickly on the heels of the atrocities committed during World War II and the Holocaust. The *Declaration* stresses that:

“All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.” (Article 1)

The Canadian Multiculturalism Act

In 1971, Canada became the first nation to adopt a Multiculturalism Policy. In 1988, this policy became law under the *Canadian Multiculturalism Act*, the first law of its kind in the world. At its core, the *Act* is meant to remove barriers to full participation in Canadian society while at the same time permitting individuals to preserve their own cultural identities. The Federal Government is obliged to see that all its policies, programs and services are structured so to be responsive to the diverse public it serves while ensuring equal and fair access for all. The *Act* states:

“AND WHEREAS the Government of Canada recognizes the diversity of Canadians as regards race, national or ethnic origin, colour and religion as a fundamental characteristic of Canadian society and is committed to a policy of multiculturalism designed to preserve and enhance the multicultural heritage of Canadians while working to achieve the equality of all Canadians in the economic, social, cultural and political life of Canada.” (Preamble)

What Does the Law Say?

The Canadian Charter of Rights and Freedoms

In 1982, the *Canadian Charter of Rights and Freedoms* was enshrined in the Constitution, guaranteeing equal rights to all persons. The *Charter* went beyond the *Universal Declaration of Human Rights* since it is not merely an endorsement of principles, but rather a legal document that establishes the importance of multiculturalism.

In fact, the *Charter* officially recognizes Canada as a multicultural society which is home to a diverse range of cultural groups.

“This Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians.” (Section 27)

Under the *Charter*, each person is guaranteed the rights and freedoms described below:

Fundamental freedoms:

- Freedom of conscience and religion
- Freedom of thought, belief, opinion and expression
- Freedom of peaceful assembly
- Freedom of association

Democratic Rights:

- Right to vote
- Right to run for public office
- Right to a democratically run government

What Does the Law Say?

Mobility rights:

- Every Canadian citizen and permanent resident has the right to live and seek employment in any province.

Legal rights:

- Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

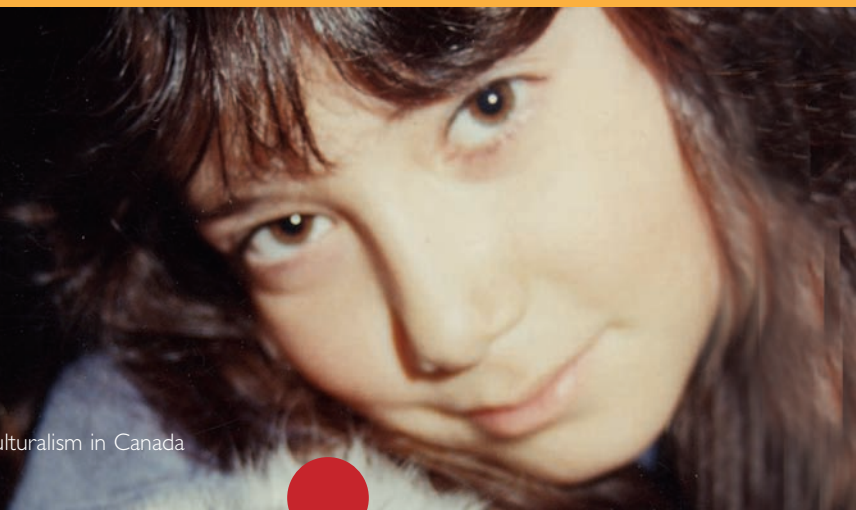
Equality rights:

- Every individual is equal under the law and has the right to be treated without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Language rights:

- Right to use either of Canada's official languages.
- Right of French and English linguistic minorities to an education in their language

Generally, these rights and freedoms apply between government and the public, not between private individuals. If your Charter rights have been violated, a legal remedy may be provided by the appropriate court.



Rights and Obligations - A Balancing Act

But there is much more to the story. With rights come obligations. While Canadians are proud of the dynamic model of multiculturalism, it is vital that everyone embrace the democratic values and history that unite us.

Consider the words of the *Oath of Allegiance* which all new citizens must take:

I swear (or affirm) that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, Queen of Canada, Her Heirs and Successors, and that I will faithfully observe the laws of Canada and fulfill my duties as a Canadian citizen.

Look at the *Citizenship Act of Canada* which provides:

A citizen, whether or not born in Canada, is entitled to all rights, powers and privileges and is subject to all the obligations, duties and liabilities to which a person who is a citizen at birth is entitled or subject and has the same status as that person. (Section 12)

Rights and Obligations - A Balancing Act

As a part of Canadian society, all individuals have the right to expect certain protections from the government, such as security. However, having the right to participate in Canadian society means that each person also has certain duties or obligations.

It is everyone's duty to help build a civil and just society. What does this mean?

- First and foremost, you must obey the laws of Canada.
- You also have a responsibility to respect the rights and freedoms of others around you.

Where we exercise a right, we must assure that it does not negatively impact on others around us. Sound like a balancing act? Well it is!



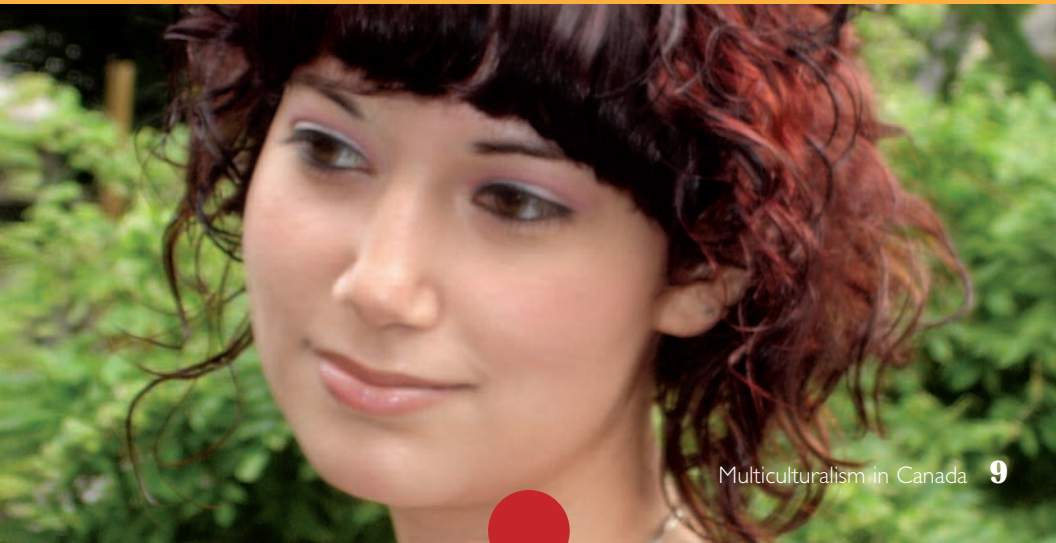
Rights and Obligations - A Balancing Act

The *Canadian Charter of Rights and Freedoms* recognizes that rights and obligations must be balanced to achieve a true democratic state. In its opening section, the *Charter* states that all rights and freedoms guaranteed by the *Charter* are subject to

“such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.” (Section 1)

Individual rights and freedoms are not absolute. Limits on *Charter* rights are acceptable where it is necessary to protect the competing interests of society as a whole. The highest court in the country, the Supreme Court of Canada, has made clear that government can limit certain rights and freedoms where:

- the limit deals with a pressing and substantial social problem, and
- the government’s response to that problem is reasonable and justified.



Rights and Obligations - A Balancing Act

Examples

- Laws against spreading hate propaganda or against pornography are considered reasonable limits on the freedom of expression since they prevent harm to individuals and groups.
- The right to equality can be affected by government programs or rules designed to address imbalances faced by disadvantaged individuals or groups.
- Freedom of peaceful assembly or association can be limited where public safety and security are at risk.
- Restricting the right to vote or to stand for election to people 18 years of age or older is seen as a reasonable limit on democratic rights in Canada.

For More Information

For further information, refer to these websites:

www.cic.gc.ca/english/resources/publications/guide/section-09.asp
www.un.org/Overview/rights.html
www.pch.gc.ca/progs/multi/policy/act_e.cfm
www.canadianheritage.gc.ca/progs/pdp-hrp/canada/guide/index_e.cfm
www.charterofrights.ca

KNOW YOUR RIGHTS – RECOGNIZE YOUR OBLIGATIONS

