

Appendix IV

An Act for the Protection of Civil Rights
Prepared by the Department of Justice, 1947 (Revised 1951-1952)

WHEREAS recognition and protection of civil rights and liberties of persons are inherent in and fundamental to the political and legal institutions of Canada;

AND WHEREAS the Charter of the United Nations of which Canada is a Member, reaffirms faith in fundamental human rights and in the dignity and worth of the human person;

AND WHEREAS the Universal Declaration of Human Rights approved by the General Assembly of the United Nations on the tenth day of December, nineteen hundred and forty-eight, at Paris recognizes that equal and inalienable rights of all members of the human society are the foundation of freedom, justice and peace in the world and that such rights should be secured and protected by law;

AND WHEREAS the protection of human rights and liberties in Canada by law is best afforded by defining legal rights enforceable by process of law in the courts, and by creating criminal offences punishable by process of law in the courts for violations thereof;

AND WHEREAS under our federal constitution as defined by the British North America Act legislative jurisdiction is divided between Parliament and the Legislative Assemblies of the provinces and the subject matter of criminal law is within the exclusive legislative authority of Parliament;

AND WHEREAS it is desirable that the Parliament of Canada reaffirm, clarify and extend the protection afforded by the criminal law of Canada to certain fundamental rights and liberties of persons:

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

SHORT TITLE

1. This Act may be cited as The Canadian Bill of Rights Act.

2. Every one commits an offence who wilfully does an act that obstructs, prevents or restricts

(a) the free exercise of religious worship (religion) by any person,

(b) the lawful assembly of persons,
(c) the lawful association of persons,
(d) the lawful communication in speech or writing between persons,
(e) the lawful printing or lawful distribution by a person or any writing, or
(f) the lawful exercise or lawful enjoyment by any person, by reason of the race, creed, religion or colour of that person, of any right or privilege exercised or enjoyed by persons generally.

3. Every one who commits an offence under this Act is guilty of
(a) an indictable offence and is liable to imprisonment for one year, or
(b) an offence punishable on summary conviction and is liable to imprisonment for six months or to a fine of five hundred dollars, or both.

4. No accused person shall be convicted of an offence under this Act where he establishes that the act complained of was lawfully done in the exercise of a right or the performance of a duty pursuant to a valid law in that behalf.

5. No proceedings shall be instituted under this Act without the consent in writing of the Attorney General of Canada or of the Attorney General of the Province within which the offence is alleged to have been committed.