

## Appendix V

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

Bill C-60 (5 September 1958)

#### Part I

1. This Part may be cited as the *Canadian Bill of Rights*.
2. It is hereby recognised and declared that in Canada there have always existed and shall continue to exist 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 protection of the law without discrimination by reason of race, national origin, colour, religion or sex;
  - (c) freedom of religion;
  - (d) freedom of speech;
  - (e) freedom of assembly and association; and
  - (f) freedom of the press.
3. All the Acts of the Parliament of Canada enacted before or after the commencement of this Part, all orders, rules and regulations thereunder, and all laws in force in Canada or in any part of Canada at the commencement of this Part are subject to be repealed, abolished or altered by the Parliament of Canada, shall be so construed and applied as not to abrogate, abridge or infringe or to authorize the abrogation, abridgement or infringement of any of the rights or freedoms, recognized by this Part, and, without limiting the generality of the foregoing, no such Act, order, rule, regulation or law shall be construed or applied so as to
  - (a) impose or authorize the imposition of torture, or cruel, inhuman or degrading treatment or punishment;
  - (b) deprive *at* 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;
  - (c) authorize a court, tribunal, commission, board or other authority to compel a person to give evidence **if** he is denied counselor other constitutional safeguards;

- (d) 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; or
- (e) deprive a person of the right to a fair and public hearing by an independent and impartial tribunal for the determination of any criminal charge against him.

4. The Minister of Justice shall, in accordance with such regulations as may be prescribed by the Governor in Council, examine every proposed regulation submitted in draft from to the Clerk of the Privy Council pursuant to the *Regulations Act* and every Bill introduced in the House of Commons, to ensure that the purposes and provisions of this Part in relation thereto are fully carried out.

### Part U

S. 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.

6. Sections 6 of the War Measures Act is repealed and the following substituted therefor:

"6. (1) Sections 3, 4 and 5 shall come into force only upon the issue of a proclamation of the Governor in Council declaring that war, invasion or insurrection, real or apprehended, exists.

(2) A proclamation declaring that war, invasion or insurrection, real or apprehended, exists shall be laid before Parliament forthwith after its issue, or, if Parliament is then not sitting, within the first fifteen days next thereafter that Parliament is sitting.

(3) Where a proclamation has been laid before Parliament pursuant to subsection (2), a notice of motion in either House signed by ten members thereof and made in accordance with the rules of that House within ten days of the day the proclamation was laid before Parliament, praying that the proclamation be revoked, shall be debated in that House at the first convenient opportunity within the four sitting days next after the day the motion in that House was made.

(4) If both Houses of Parliament resolve that the proclamation be revoked, it shall cease to have effect, and sections 3, 4 and 5 shall cease to be in force until those sections are again brought into force by a further proclamation but without prejudice to the previous operation of those sections or anything duly done or suffered thereunder or any offence committed or any penalty or forfeiture or punishment incurred.

(5) Any act or thing done or authorized or any order or regulation made under the authority of this Act, shall be deemed not to be an abrogation, abridgement or infringement of any right or freedom recognized by the *Canadian Bill of Rights*."

Source: Bill C-60, House of Commons Bills, 9 Elizabeth II.