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CONFIDENTIAL.

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First Session, Twenty-Fourth Parliament, 7 Elizabeth II, 1958.

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THE HOUSE OF COMMONS OF CANADA.

## BILL C- .

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

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First reading,

1958.

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THE PRIME MINISTER.

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EDMOND CLOUTIER, C.M.G., O.A., D.S.P.  
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY  
OTTAWA, 1958

58075-3

## EXPLANATORY NOTES.

Part I provides for the establishment of a Bill of Rights for Canada. Part II provides for the continuation in modified form of authority to deal effectively with war, invasion, insurrection or defence.

1st Session, 24th Parliament, 7 Elizabeth II, 1958.

THE HOUSE OF COMMONS OF CANADA.

BILL C- .

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

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

PART I

BILL OF RIGHTS

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Short title.

1. This Part may be cited as the *Canadian Bill of Rights*.

Recognition  
and  
declaration of  
rights and  
freedoms.

2. It is hereby recognized 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 10  
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 15  
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. 20

Construction  
of law.

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Canada or in any part of Canada at the commencement of this Part that are subject to be repealed, abolished or altered by the Parliament of Canada, shall be so construed and applied as not to abrogate, abridge or infringe or to authorize the abrogation,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 5 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 10 cruel, inhuman or degrading treatment or punishment;
- (b) deprive a 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 15 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 20 authority to compel a person to give evidence if he is denied counsel or 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 25
- (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.

Duties  
of Minister  
of Justice.

4. The Minister of Justice shall, in accordance with such regulations as may be prescribed by the Governor in Council, 30 examine every proposed regulation submitted in draft form to the Clerk of the Privy Council pursuant to the *Regulations Act* and every Bill introduced in the House of Commons, and shall take such steps as appear to him to be necessary to insure that the purposes and provisions of this Part in 35 relation thereto are fully carried out.

## PART II

## CONSEQUENTIAL AMENDMENTS.

*War Measures Act,*  
R.S. c. 288.

5. Section 6 of the *War Measures Act* is repealed and the following substituted therefor:

Coming into  
force by  
proclamation.

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

Proclamation  
to be sub-  
mitted to  
Parliament.

(2) A proclamation declaring that war, invasion or insur-  
rection, real or apprehended, exists shall be laid before 10  
Parliament forthwith after its issue, or, if Parliament is  
then not sitting, within the first fifteen days next thereafter  
that Parliament is sitting.

Opportunity  
for debate.

(3) Where a proclamation has been laid before Parliament  
pursuant to subsection (2), a notice of motion in either 15  
House signed by ten members thereof and made in accord-  
ance 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 20  
sitting days next after the day the motion in that House  
was made.

Revocation  
of proclama-  
tion by  
resolution.

(4) If both Houses of Parliament resolve that the pro-  
clamation be revoked, it shall cease to have effect, and 25  
sections 3, 4 and 5 shall cease to be in force until those  
sections are again brought into force by a further proclama-  
tion 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. 30

*Canadian  
Bill of Rights.*

(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 infringe-  
ment of any right or freedom recognized by the *Canadian*  
*Bill of Rights.*" 35

*Defence  
Production Act*  
R.S. c. 62;  
1955, c. 52.

6. The *Defence Production Act* is amended by adding  
thereto the following section.

*Canadian Bill  
of Rights.*

"43. 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 infringe- 40  
ment of any right or freedom recognized by the *Canadian*  
*Bill of Rights.*"

5. Section 6 of the *War Measures Act* now reads as follows:

"6. The provisions of the three sections last preceding shall only be in force during war, invasion, or insurrection, real or apprehended."

6. Sections 41 and 42 of the *Defence Production Act*, as enacted by 1955, c. 52, read as follows:

"41. (1) Every regulation, as defined in the *Regulations Act*, made under the authority of this Act that is required to be laid before Parliament under section 7 of the *Regulations Act* and every regulation made under section 9 of the *Regulations Act* in relation to a regulation made under this Act, shall be laid before both Houses of Parliament as soon as may be after it is made:

(2) Where a regulation has been laid before Parliament pursuant to subsection (1), a Notice of Motion in either House signed by ten members thereof, and made in accordance with the rules of that House within seven days of the day the regulation was laid before that House, praying that the regulation be revoked or amended, 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.

(3) A regulation that has been laid before Parliament pursuant to this section need not be laid before Parliament under section 7 or 9 of the *Regulations Act*, but nothing in this section shall be construed as affecting or limiting the obligation under section 6 of the *Regulations Act* to publish the regulation in the *Canada Gazette*.

"42. Sections 23 to 31 shall expire on the 31st day of July, 1959, unless Parliament is in session on that day, in which case those sections shall expire on the day such session ends or is adjourned *sine die* or to a day being more than thirty days from the date of adjournment."