

Anexo 4.

The Constitution Act, 1982

**PART I
CANADIAN CHARTER OF RIGHTS AND FREEDOMS**

Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law:

Guarantee of Rights and Freedoms

- Rights and freedoms in Canada** 1. The *Canadian Charter of Rights and Freedoms* guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

Fundamental Freedoms

- Fundamental freedoms** 2. Everyone has the following fundamental freedoms:
- (a) freedom of conscience and religion;
 - (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;
 - (c) freedom of peaceful assembly; and
 - (d) freedom of association.

Democratic Rights

- Democratic rights of citizens** 3. Every citizen of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly and to be qualified for membership therein.

- Maximum duration of legislative bodies** 4. (1) No House of Commons and no legislative assembly shall continue for longer than five years from the date fixed for the return of the writs of a general election of its members.

- Continuation in special circumstances** (2) In time of real or apprehended war, invasion or insurrection, a House of Commons may be continued by Parliament and a legislative assembly may be continued by the legislature beyond five years if such continuation is not opposed by the votes of more than one-third of the members of the House of Commons or the legislative assembly, as the case may be.

Equality Rights

- Equality before and under law and equal protection** 15. (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law

and benefit of law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Official Languages of Canada

Official languages of Canada 16. (1) English and French are the official languages of Canada and have equality of status and equal rights and privileges as to their use in all institutions of the Parliament and government of Canada.

Advancement of status and use (3) Nothing in this Charter limits the authority of Parliament or a legislature to advance the equality of status or use of English and French.

Proceedings of Parliament 17. (1) Everyone has the right to use English or French in any debates and other proceedings of Parliament.

Parliamentary statutes and records 18. (1) The statutes, records and journals of Parliament shall be printed and published in English and French and both language versions are equally authoritative.

Proceedings in courts established by Parliament 19. (1) Either English or French may be used by any person in, or in any pleading in or process issuing from, any court established by Parliament.

Communications by public with federal institutions 20. (1) Any member of the public in Canada has the right to communicate with, and to receive available services from, any head or central office of an institution of the Parliament or government of Canada in English or French, and has the same right with respect to any other office of any such institution where
(a) there is a significant demand for communications with and services from that office in such language; or
(b) due to the nature of the office, it is reasonable that communications with and services from that office be available in both English and French.

Continuation of existing constitutional provisions 21. Nothing in sections 16 to 20 abrogates or derogates from any right, privilege or obligation with respect to the English and French languages, or either of them, that exists or is continued by virtue of any other provision of the Constitution of Canada.

Rights and privileges preserved 22. Nothing in sections 16 to 20 abrogates or derogates from any legal or customary right or privilege acquired or enjoyed either before or after the coming into force of this Charter with respect to any language that is not English or French.

Minority Language Educational Rights

Language of instruction	<p>23. (1) Citizens of Canada</p> <p>(a) whose first language learned and still understood is that of the English or French linguistic minority population of the province in which they reside, or</p> <p>(b) who have received their primary school instruction in Canada in English or French and reside in a province where the language in which they received that instruction is the language of the English or French linguistic minority population of the province,</p> <p>have the right to have their children receive primary and secondary school instruction in that language in that province.</p>
Continuity of language instruction	<p>(2) Citizens of Canada of whom any child has received or is receiving primary or secondary school instruction in English or French in Canada, have the right to have all their children receive primary and secondary school instruction in the same language.</p>
Application where numbers warrant	<p>(3) The right of citizens of Canada under subsections (1) and (2) to have their children receive primary and secondary school instruction in the language of the English or French linguistic minority population of a province</p> <p>(a) applies wherever in the province the number of children of citizens who have such a right is sufficient to warrant the provision to them out of public funds of minority language instruction; and</p> <p>(b) includes, where the number of those children so warrants, the right to have them receive that instruction in minority language educational facilities provided out of public funds.</p>
Aboriginal rights and freedoms not affected by Charter	<p>25. The guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada including</p> <p>(a) any rights or freedoms that have been recognized by the Royal Proclamation of October 7, 1763; and</p> <p>(b) any rights or freedoms that now exist by way of land claims agreements or may be so acquired.</p>
Other rights and freedoms not affected by Charter	<p>26. The guarantee in this Charter of certain rights and freedoms shall not be construed as denying the existence of any other rights or freedoms that exist in Canada.</p>

Multicultural heritage	27.	This Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians.
Rights guaranteed equally to both sexes	28.	Notwithstanding anything in this Charter, the rights and freedoms referred to in it are guaranteed equally to male and female persons.
Rights respecting certain schools preserved	29.	Nothing in this Charter abrogates or derogates from any rights or privileges guaranteed by or under the Constitution of Canada in respect of denominational, separate or dissentient schools.
Application to territories and territorial authorities	30.	A reference in this Charter to a Province or to the legislative assembly or legislature of a province shall be deemed to include a reference to the Yukon Territory and the Northwest Territories, or to the appropriate legislative authority thereof, as the case may be.
Legislative powers not extended	31.	Nothing in this Charter extends the legislative powers of any body or authority.

**PART II
RIGHTS OF THE ABORIGINAL PEOPLES OF CANADA**

Recognition of existing aboriginal and treaty rights	35.	(1) The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.
Definition of "aboriginal peoples of Canada"		(2) In this Act, "aboriginal peoples of Canada" includes the Indian, Inuit and Métis peoples of Canada.
Land claims agreements		(3) For greater certainty, in subsection (1) "treaty rights" includes rights that now exist by way of land claims agreements or may be so acquired.
Aboriginal and treaty rights are guaranteed equally to both sexes		(4) Notwithstanding any other provision of this Act, the aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons.

**PART VII
GENERAL**

Primacy of Constitution of Canada	52.	(1) The Constitution of Canada is the supreme law of Canada, and any law that is inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect.
Constitution of Canada		(2) The Constitution of Canada includes (a) the <i>Canada Act 1982</i> , including this Act; (b) the Acts and orders referred to in the schedule; and

(c) any amendment to any Act or order referred to in paragraph (a) or (b).

English and French versions of this Act

57. The English and French versions of this Act are equally authoritative.

Fuente: Base de datos del Gobierno de Canada, sección: Departamento de Justicia:
http://laws.justice.gc.ca/en/const/annex_e.html#I