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Know Your Rights Project

Every Human Being Has Rights

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Many States have minorities within their borders. Although no firm statistics exist, estimates suggest that 10 to 20 per cent of the world's population belong to minorities. This means that between 600 million and 1.2 billion people are in need of special measures for the protection of their rights, given that minorities are often among the most disadvantaged groups in society, their members often subject to discrimination and injustice and excluded from meaningful participation in public and political life. The Know Your Rights Platform is created to assisting minorities in understanding how to seek protection of their rights through the different procedures existing at the local, provincial, and national levels.

The vast majority of violent conflict in the world occurs not between states but between majority and minority groups within states—peoples polarized by ethnic and religious divides. There is an urgent need for more dialogue on minority rights issues, and it is absolutely essential that accurate, objective, and up-to-date information is available on the 10 percent to 20 percent of the world's population who self-identify as minorities. The World Directory of Minorities, published by the internationally renowned London-based Minority Rights Group, meets this need. The emergence of viable pluralist democracies wherein the vast kaleidoscope of peoples is free to determine their own destinies is a central goal of the Minority Rights Group, and this newly updated and re-released text—a huge accomplishment—is an essential tool aiding this process.

The 1992 United Nations Declaration on the Rights of Persons belonging to National or Ethnic, Religious, and Linguistic Minorities requires that state policies are planned and implemented with due regard for the legitimate interests of minorities, but does not offer any definition of who or what constitutes a minority. U.N. Special Rapporteur Francesco 1979 referred to minorities as non-dominant peoples who possess ethnic, religious, or linguistic characteristics differing from those of the rest of the population and who have a sense of solidarity directed toward preserving their cultures, traditions, religions, or languages. The World Directory is concerned with minorities as marginalized peoples—those excluded from political power and decision-making in the development process—whose options are few, who suffer poor health, under-education, and employment discrimination, and who are victims of ill-conceived and often hostile aid programs.

It is therefore important that this invaluable resource be available online so that it may reach the greatest possible audience and be readily updated to reflect changing times.

What are Human Rights?

Human rights are the basic rights and freedoms to which all humans are considered entitled: the right to life, liberty, freedom of thought and expression, and equal treatment before the law, among others. These rights represent entitlements of the individual or groups vis-B-vis the government, as well as responsibilities of the individual and the government authorities.

Such rights are ascribed "naturally," which means that they are not earned and cannot be denied based on race, creed, ethnicity, or gender. These rights are often advanced as legal rights and protected by the rule of law. However, they are distinct from and prior to law, and can be used as standards for formulating or criticizing both local and international law. It is typically thought that the conduct of governments and military forces must comply with these standards.

Various "basic" rights that cannot be violated under any circumstances are set forth in international human rights documents such as the ***Universal Declaration of Human Rights***, the ***International Covenant on Economic, Social and Cultural Rights***, and the ***International Covenant on Civil and Political Rights***. The rights established by these documents include economic, social, cultural, political, and civil rights.

While human rights are not always interpreted similarly across societies, these norms nonetheless form a common human rights vocabulary in which the claims of various cultures can be articulated. The widespread ratification of international human rights agreements such as those listed above is taken as evidence that these are widely shared values. Having human rights norms in place imposes certain requirements on governments and legitimizes the complaints of individuals in those cases where fundamental rights and freedoms are not respected. Such norms constitute a standard for the conduct of government and the administration of force. They can be used as "universal, non-discriminatory standards" for formulating or criticizing law and act as guidelines for proper conduct.

Many conflicts are sparked by a failure to protect human rights, and the trauma that results from severe human rights violations often leads to new human rights violations. As conflict intensifies, hatred accumulates and makes restoration of peace more difficult. In order to stop this cycle of violence, countries must institute policies aimed at human rights protection. Many believe that the protection of human rights is essential to the sustainable achievement of the three agreed global priorities of peace, development and democracy. Respect for human rights has therefore become an integral part of international law and foreign policy. The specific goal of expanding such rights is to increase safeguards for the dignity of the person.

Interventions to Protect Human Rights

To protect human rights is to ensure that people receive some degree of decent, humane treatment. Because political systems that protect human rights are thought to reduce the threat of world conflict, all nations have a stake in promoting worldwide respect for human rights.[8] International human rights law, humanitarian intervention law and refugee law all protect the right to life and physical integrity and attempt to limit the unrestrained power of the state. These laws aim to preserve humanity and protect against anything that challenges people's health, economic well-being, social stability and political peace. Underlying such laws is the principle of non-discrimination, the notion that rights apply universally.

Multi-Lingual "Know Your Rights" Pamphlet

The Federal Association for the Advancement of Visible Minorities (FAAVM) is increasingly combining efforts to prevent or end conflicts with measures aimed at reducing human rights and civil rights abuses. Special emphasis is placed on ensuring the protection of minorities, strengthening democratic institutions, realizing the right to development and securing universal respect for human rights.

The FAAVM Know Your Rights pamphlets are created, published, and distributed to all communities because we are concerned that many people, especially non-citizens, are not fully aware of their basic and fundamental rights when being questioned by police or detained by the government. None of the advice in the pamphlet is meant to stop people from cooperating with proper law enforcement authorities; noting that the pamphlet advises those who are being questioned by authorities to be careful but truthful in their answers, maintain peace and good behaviour. These brochures will not only inform, but reassure people of their rights when speaking to law enforcement, whereas the Police, RCMP, Immigration Officers etc.

Multi-Lingual "Know Your Rights" Toll Free Automated Telephone Service to Educate Public

24 HOUR NATIONAL TOLL-FREE INFOLINE

The FAAVM undertakes activities to support individuals striving to realize the civil and political rights and responsibilities enumerated by the U.N. Universal Declaration of Human Rights, the Canadian Charter of Rights and Freedoms and a growing body of public local, national, and international law.

We work to establish an electronic phone system to provide the public with ready access to human rights, civil rights, and minority rights basic and general information in the language of their choice. Users can dial the (toll-free) to obtain information 24 hours a day, 7 days a week.

The goal of this system is to minimize the need and time required for the public to go gather basic information about their rights and responsibilities.

Multi-Lingual Human Rights Information Sessions

To fulfil its comprehensive human rights mandate, FAAVM speaks out objectively in the face of human rights violations nationwide and worldwide. It provides a forum for identifying, highlighting, and developing responses to today's human rights challenges, and acts as the principal focal point of human rights research, education, public information, and human rights advocacy activities in the FAAVM system.

With our leading minority rights role and the important task of mainstreaming human rights into the FAAVM system, we work with Governments, civil society, national human rights institutions, other entities, international organizations, private sector, and others in their efforts to promote and protect human rights.

In the context of today's debate, it is important to stress that respect, protection and fulfilment of the rights of persons belonging to national or ethnic, religious and linguistic minorities in daily governance are essential to defuse potential tensions between minority and majority communities, which could lead to conflicts. It is equally important to understand structural underlying causes and dynamics of such tensions in order to be able to effectively address them and work for conflict prevention. While each situation is different, the exclusion of minority groups can be an important element of grievances and related tensions.

Project Management and Fundraising

Our objective is to raise \$10 Million Dollars for this project. After the initiation stage, the project is planned to an appropriate level of detail. The main purpose is to plan time, cost, and resources adequately to estimate the work needed and to effectively manage risk during project execution. As with the Initiation process group, a failure to adequately plan greatly reduces the project's chances of successfully accomplishing its goals.

Our Project planning generally consists of:

- determining how to plan (e.g. by level of detail);
- developing the scope statement;
- selecting the planning team;
- identifying deliverables and creating the work breakdown structure;
- identifying the activities needed to complete those deliverables and networking the activities in their logical sequence;
- estimating the resource requirements for the activities;
- estimating time and cost for activities;
- developing the schedule;

- developing the budget;
- risk planning;
- developing quality assurance measures;
- gaining formal approval to begin work.

Additional processes, such as planning for communications and for scope management, identifying roles and responsibilities, determining what to purchase for the project and holding a kick-off meeting are also generally advisable.

Vulnerable People

National, ethnic, religious, and linguistic minorities

The main point of reference for the international community regarding the rights of minorities is the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted by the General Assembly in 1992. It includes a list of rights to which persons belonging to minorities are entitled, including the right to enjoy their own culture, to profess and practice their own religion and to use their own language. It also contains measures which States could implement to create an environment conducive to the enjoyment of such rights, for example, through encouraging public knowledge of the history, traditions, language and culture of minorities existing within their territories and enabling persons belonging to minorities to participate fully in the economic progress and development of their country. States are also asked to implement national policies and programmes with due regard for minority interests. The cornerstones of the Declaration are the principles of non-discrimination, effective participation and protection and promotion of identity.

The Declaration was inspired by Article 27 of the International Covenant on Civil and Political Rights, which is the most widely accepted legally binding provision on minorities. In terms of monitoring, human rights treaty bodies (in particular the Committee on the Elimination of Racial Discrimination and Human Rights Committee) as well as special procedures have been paying increasing attention to situations and rights of persons belonging to minorities.

Since 2005, the focal point at the United Nations is the Independent Expert on minority issues whose mandate is to promote the implementation of the 1992 Declaration. In 2007, the Forum on Minority Issues was established to provide a platform for promoting dialogue and cooperation in that field as well as thematic contributions to the work of the Independent Expert.

Consistent with the provisions of the 1992 Minorities Declaration, the 2001 Durban Declaration and Programme of Action urged Governments to create favorable conditions and take measures that would enable persons belonging to minorities within their jurisdiction to express their characteristics freely and to participate on a non-discriminatory and equitable basis in the cultural, social, economic and political life of the country in which they live. The Durban Programme of Action specifically calls for the creation and implementation of policies that promote a high-quality and diverse police force free from racism, racial discrimination,

xenophobia and related intolerance. One of the Programme's recommendations is that in recruiting for public employment, including the police force, States ensure the participation and representation of all groups including minorities. States are also urged to design, implement and enforce effective measures to eliminate the phenomenon of "racial profiling".

Although the rights of persons belonging to minorities are being increasingly recognized as an integral part of the anti-discrimination agenda of the international community, much remains to be done to achieve the true meaning of living in dignity and justice, free of racism – as inscribed in the motto for the 2009 Review Conference. The Durban Review Conference will offer an important platform to examine the implementation and impact of anti-discrimination policies and measures aimed at forging multiculturalism and bring expression to additional insights in tackling new forms of discrimination which are increasingly visible and affect minorities adversely.

The Universal Declaration of Human Rights (UDHR)

The Universal Declaration of Human Rights (UDHR) is a declaration adopted by the United Nations General Assembly on 10 December 1948 at the Palais de Chaillot in Paris, France. The Declaration arose directly from the experience of the two world wars. The full text is available on the United Nations website through the following link: <http://www.un.org/en/universal-declaration-human-rights/>

The Declaration consists of thirty articles which, although not legally binding, have been elaborated in subsequent international treaties, economic transfers, regional human rights instruments, national constitutions, and other laws. The International Bill of Human Rights consists of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights and its two Optional Protocols. In 1966, the General Assembly adopted the two detailed Covenants, which complete the International Bill of Human Rights.

Born out of the atrocities and enormous loss of life during World War II, the United Nations (UN) Universal Declaration of Human Rights (UDHR) was signed in 1948 to provide a common understanding of what everyone's rights are. It forms the basis for a world built on freedom, justice, and peace. Every person is entitled to certain fundamental rights, simply by the fact of being human. These are called "human rights" rather than a privilege (which can be taken away at someone's whim). They are "rights" because they are things you are allowed to be, to do or to have. These rights are there for your protection against people who might want to harm or hurt you. They are also there to help us get along with each other and live in peace.

We have 30 basic human rights

According to the Universal Declaration of Human Rights, created by the United Nations in 1948 to provide a global understanding of how to treat individuals. "reaffirmed faith in fundamental human rights, and dignity and worth of the human person" and committed all member states to promote "universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion".

1. We are all free and equal. We are all born free. We all have our own thoughts and ideas. We should all be treated in the same way.

2. Don't discriminate. These rights belong to everybody, whatever our differences.

3. The right to life. We all have the right to life, and to live in freedom and safety.

4. No slavery – past and present. Nobody has any right to make us a slave. We cannot make anyone our slave.

5. No Torture. Nobody has any right to hurt us or to torture us.

6. We all have the same right to use the law. I am a person just like you!

7. We are all protected by the law. The law is the same for everyone. It must treat us all fairly.

8. Fair treatment by fair courts. We can all ask for the law to help us when we are not treated fairly.

9. No unfair detainment. Nobody has the right to put us in prison without a good reason and keep us there, or to send us away from our country.

10. The right to trial. If we are put on trial this should be in public. The people who try us should not let anyone tell them what to do.

11. Innocent until proven guilty. Nobody should be blamed for doing something until it is proven. When people say we did a bad thing we have the right to show it is not true.

12. The right to privacy. Nobody should try to harm our good name. Nobody has the right to come into our home, open our letters or bother us or our family without a good reason.

13. Freedom to move. We all have the right to go where we want in our own country and to travel as we wish.

14. The right to asylum. If we are frightened of being badly treated in our own country, we all have the right to run away to another country to be safe.

15. The right to a nationality. We all have the right to belong to a country.

16. Marriage and family. Every grown-up has the right to marry and have a family if they want to. Men and women have the same rights when they are married, and when they are separated.

17. Your own things. Everyone has the right to own things or share them. Nobody should take our things from us without a good reason.

18. Freedom of thought. We all have the right to believe in what we want to believe, to have a religion, or to change it if we want.

19. Free to say what you want. We all have the right to make up our own minds, to think what we like, to say what we think, and to share our ideas with other people.

20. Meet where you like. We all have the right to meet our friends and to work together in peace to defend our rights. Nobody can make us join a group if we don't want to.

21. The right to democracy. We all have the right to take part in the government of our country. Every grown-up should be allowed to choose their own leaders.

22. The right to social security. We all have the right to affordable housing, medicine, education, and child care, enough money to live on and medical help if we are ill or old.

23. Workers' rights. Every grown-up has the right to do a job, to a fair wage for their work, and to join a trade union.

24. The right to play. We all have the right to rest from work and to relax.

25. A bed and some food. We all have the right to a good life. Mothers and children, people who are old, unemployed or disabled, and all people have the right to be cared for.

26. The right to education. Education is a right. Primary school should be free. We should learn about the United Nations and how to get on with others. Our parents can choose what we learn.

27. Culture and copyright. Copyright is a special law that protects one's own artistic creations and writings; others cannot make copies without permission. We all have the right to our own way of life and to enjoy the good things that "art," science and learning bring.

28. A free and fair world. There must be proper order so we can all enjoy rights and freedoms in our own country and all over the world.

29. Our responsibilities. We have a duty to other people, and we should protect their rights and freedoms.

30. Nobody can take away these rights and freedoms from us.

An Overview of the Canadian Charter of Rights and Freedoms *What is the Canadian Charter of Rights and Freedoms?*

The *Canadian Charter of Rights and Freedoms* is one part of the Canadian Constitution. The Constitution is a set of laws containing the basic rules about how our country operates. For example, it contains the powers of the federal government and those of the provincial governments in Canada.

The Charter sets out those rights and freedoms that Canadians believe are necessary in a free and democratic society. Some of the rights and freedoms contained in the Charter are:

- freedom of expression
- the right to a democratic government
- the right to live and to seek employment anywhere in Canada
- legal rights of persons accused of crimes
- Aboriginal peoples' rights
- the right to equality, including the equality of men and women
- the right to use either of Canada's official languages
- the right of French and English linguistic minorities to an education in their language
- the protection of Canada's multicultural heritage.

Before the Charter came into effect, other Canadian laws protected many of the rights and freedoms that are now brought together in it. One example is the *Canadian Bill of Rights*, which Parliament enacted in 1960. The Charter differs from these laws by being part of the Constitution of Canada.

Why is it important that the Charter is part of the constitution?

The Constitution is the supreme law of Canada. Generally speaking, all other laws must be consistent with the rules set out in the Constitution. If they are not, they may not be valid. Since the Charter is part of the Constitution, laws that limit Charter rights may be invalid. This makes the Charter the most important law we have in Canada.

It is important to point out, however, that the Charter itself allows governments to put some limits on Charter rights. Section 1 of the Charter says that other laws may limit the rights and freedoms in the Charter so long as those laws are reasonable and justified in a free and democratic society. So, a law that limits a Charter right is nevertheless valid if it conforms with section 1.

The fact that the Charter is part of the Constitution also means that governments must try to make sure that new laws are consistent with it. For example, the federal Department of Justice must make sure that new laws proposed by the federal government comply with the Charter.

How long has the Charter been in force?

The Charter came into effect on April 17, 1982. It was part of a package of reforms contained in a law called the *Constitution Act, 1982*. One section of the Charter, section 15, came into effect only on April 17, 1985, three years after the rest of the Charter. This delay gave governments time to bring their laws into line with the equality rights in section 15.

Are all my rights contained in the Charter?

No. The Charter contains those rights and freedoms that Canadians believe are essential in a free and democratic country. They have been set out in the Constitution as a way of making sure that they are given the greatest protection possible under the law.

There are, however, many other laws that create rights. The federal government and the provincial and territorial governments all have laws that provide rights and freedoms: laws against discrimination in employment and accommodation, consumer protection laws, environmental laws and, in the area of criminal law, laws that give rights to witnesses, victims and persons accused of crimes, to name only a few.

Who enjoys Charter rights?

Generally speaking, any person in Canada, whether a Canadian citizen, a permanent resident or a newcomer, has the rights and freedoms contained in the Charter. There are some exceptions. For example, the Charter gives some rights only to Canadian citizens – the right to vote (in section 3 of the Charter) and the right "to enter, remain in and leave Canada" (in section 6 of the Charter).

Can the government take away my Charter rights?

Section 1 of the Charter says that governments may limit Charter rights so long as those limits are ones that a free and democratic society would accept as reasonable.

It is also possible for governments to pass laws that take away some rights under the Charter. Under section 33 of the Charter (sometimes called the "notwithstanding clause"), Parliament or a legislature can make a particular law exempt from certain sections of the Charter – the fundamental freedoms (in section 2), the legal rights (in sections 7 to 14) and the equality rights (in section 15). However, a law that limits Charter rights under the notwithstanding clause expires after five years. This clause is used very rarely.

Governments can also make changes to the Charter to add to, or subtract from, the rights that it contains. However, this is very difficult. To make a change to the Charter, the federal Parliament and seven of the 10 provincial legislatures must agree to it. The population of those seven provinces must also make up at least 50 per cent of the total population of Canada. The Charter has been amended only twice since 1982.

What can I do if my Charter rights have been denied?

The Charter provides for three kinds of actions to persons whose rights have been denied. These actions are referred to as legal "remedies". First, the Charter says that a person can ask a court for a remedy that is "appropriate and just in the circumstances". For instance, a court may stop proceedings against a person charged with an offence if his or her right to a trial within a reasonable time has been denied.

A second remedy is available when persons carrying out investigations for the government (for example, police officers) violate an individual's Charter rights. This may happen, for example, when they improperly search for evidence on private property and violate a person's right to privacy. In this situation, the person can ask a court to order that the evidence not be used against the person in a trial. A court will make an order like this if it is clear that using such evidence at trial would "bring the administration of justice into disrepute" (under section 24 of the Charter).

Finally, if a court finds that a law violates Charter rights, it can rule that the law has no force (under section 52 of the *Constitution Act, 1982*).

Your Rights in Your Home

A man's home is his castle. This is not just a common saying; it is a centuries-old principle which is enshrined in our *Charter of Rights and Freedoms*. The police or other law enforcement authorities can only lawfully enter your home under certain circumstances – otherwise they are the same as any trespasser. The home is seen under our law as the most private place, but there are exceptions to your protection against police intrusion.

Police Coming to Your Door: Any person, including a police officer, has your implied consent to walk onto your property for the purpose of communicating to you at your front door. If the police have a legitimate reason for communicating with you, such as responding to a call or seeking information for an investigation, then there is nothing wrong with this. Police are not, however, entitled to abuse this ability by using it to conduct a "sniff" test – just going to the front door to see whether there is any sign of criminal activity when someone answers the knock. There is also no obligation to answer the door when the police come knocking. There is no obligation to speak to the police at your door, and you can end any conversation with them whenever you choose.

Police Entering Your Home by Invitation: The police may come to your door to speak with you and in the process ask if they can come inside. You do not have to let them enter, but they are allowed to under law if you give them permission. If you are not sure whether to grant this permission, contact one of us before making this decision.

Giving the police permission to enter your home is not the same as giving them permission to search your home, but police may ask to do this as well and you may grant it. If you give police permission to search your home, then they can do so without a warrant. A search of your home

by police is a serious intrusion of your constitutionally protected privacy interests and you should consult a lawyer for legal advice before making this decision.

Search Warrants: A search warrant is a judicial authorization to enter and search a place for evidence of a crime. They are often used for the search and seizure of illegal drugs or firearms, but may be related to a search for evidence of any crime. It may authorize the police to enter at night, and it may authorize the police to use force in making their entry. Police can detain the people found in the home while the search is being conducted, and may make arrests or lay charges based on what is found. The police may also seize any number of items found during a search in pursuit of their investigation. The validity of search warrants can be challenged later in court, and issues related to the release of items that are seized can also be dealt with later. Anything that is seized as evidence will likely be held at least until the related charges are over.

Arrest Warrants: In certain circumstances, police will obtain a warrant to enter a home where a wanted person is believed to be in order to arrest that person. The validity of these warrants can be challenged later in court.

“Hot Pursuit”, Destruction of Evidence, and Other Circumstances: Even without a warrant and without consent, police have authority under law to enter your home in certain circumstances. Police officers may be entitled to enter your home to pursue a fleeing suspect, even if the suspect is entering a home that is not his own. This is sometimes referred to as *hot pursuit*, and may include a drunk driver pursued by police who pulls into his driveway and runs into his home.

Police may have grounds to believe that entering a home is necessary to prevent the destruction of evidence of a serious crime. This may include flushing drugs down the toilet or burning or destroying DNA evidence related to a sexual assault or a murder.

Other emergencies may justify a warrantless entry by the police, such as responding to a distress call made over 911, an ongoing domestic assault, or some other circumstance where police reasonably believe that someone’s life or safety is in danger.

Outside of Your Home: Your gated backyard is also a private a place, but the trash that you leave on your driveway is not private. Once you leave trash out to be collected, you give up your privacy in the contents, meaning that police are as free as the garbage man to pick it up and take a look inside.

Whatever the case, contacting a lawyer directly for legal advice at the earliest opportunity is the best way to know what your rights are in protecting the privacy of your home.

Your Rights in a Vehicle

Getting pulled over by the police while in your car is a common experience for many Canadians. Despite how frequent this experience is, most people aren’t sure about the scope of the powers of the police to stop, question, search or otherwise interact with them during a stop of their car.

Be it on the highway or a side street, your *Charter* rights apply to you and anyone else in your car. However, there are a few things that you should know to ensure that you are able to exercise your rights in the car if you need to.

Firstly, the law recognizes that there are a few issues that the police should legally be able to investigate in almost all driving situations. These issues include: whether or not the driver of the vehicle is licensed to drive; whether or not the motor vehicle is properly insured and registered; and whether or not the vehicle is in good working order. Unlike other situations, the police do not need grounds to believe that your licence, insurance or registration documents are not up to date in order to pull you over to investigate these issues. The rationale for this is that driving is not a right, but a privilege, and the power for a stop of this kind comes from the *Highway Traffic Act*.

However, this power does not allow the police to pretend to stop a car for a legitimate investigation of a *Highway Traffic Act* offence. If the real reason the police have chosen to stop your car is because they don't like the way you look or are just curious to stop you and see what you are doing, they will be breaching your right not to be detained, or arrested, arbitrarily, under s. 9 of the *Charter*.

Similarly, the police power to stop your car to investigate your licence, insurance, registration, or the safety of your car does not permit a wholesale search of your car or an investigation into the identity of your passengers. Since your passengers are not driving the car, they are not required to identify themselves to the police, unless the police have some other reasonable suspicion or belief that they are involved in a criminal offence. It stands to reason the police do not need to look into your trunk to see whether or not you have valid insurance or to determine whether or not you are wearing your seatbelt. Searches that go beyond the purposes of a *Highway Traffic Act* investigation will breach your right not to be unreasonably searched, protected by s. 8 of the *Charter*, unless the police can demonstrate that they otherwise had reasonable grounds or authority to search you.

The police may request that you allow them to search your vehicle over the course of a vehicle stop. A word to the wise: this 'request' does not need to sound like a request, but can sound a lot more like an order. You do not need to consent to allow the police to do this. If the police are asking or demanding that you let them search your car, make sure you insist on calling a lawyer right away, before you make any decision or give any permission.

Of course, if the police have grounds to believe you have committed a criminal offence, or if they observe you committing a *Highway Traffic Act* offence, they may have a right to stop your vehicle and conduct further investigations of you, and in some cases, your passengers. If you are stopped by the police, insist on your right to speak to a lawyer without delay and to be told why you are being stopped. This is the best way to ensure that your rights are protected.

Your Rights on the Street

You are enjoying a walk in your area and a police officer tells you that he wants to speak with you. Most people who encounter this situation will stop and speak to the police officer until it becomes clear that the conversation is over. Most people believe that when a police officer asks to speak with you that you have no choice but to comply with the request. In reality, the *Canadian Charter of Rights and Freedoms (Charter)* affords everyone with many protections in these situations.

Section 9 of the *Charter* protects individuals from arbitrary detentions. A “detention” occurs when the police through words, or actions, force you to stop and remain with them. An obvious example of a detention is an arrest; the police by force ensure that you remain in their custody. However, a detention need not be so obvious; the police could simply say “stop” or “don’t move” and a detention would occur. Further, even less intrusive police conduct can cause a detention to occur such as a group of police officers surrounding you, an officer blocking your path in an intimidating manner; in these situations, the police conduct can cause you to reasonably believe that you are not free to leave and these situations amount to “detentions” in law. Simply put, a detention occurs when the police's actions cause you to reasonably believe that you are not free to walk away. The police are only permitted to detain you when they have reasonable grounds to believe, or suspect, that you are engaged in criminal activity. If the police do not have the required grounds the detention is illegal and any evidence they obtain can be excluded at trial.

The difficulty for you, and all other the citizen, being asked by the police officer for a conversation is that you do not know if the police have reasonable grounds to force you to remain. The ambiguity caused by this reality can easily be resolved, simply tell the police officer that you do not wish to speak to him or her and ask “Am I free to leave?” If the police officer tells you that you are free to leave, you can simply walk away. If the police officer tells you that you are not free to leave you are now detained and have to remain until they allow you to leave. When you are detained, section 10(a) of the *Charter* requires the police to tell you why you are being detained, and section 10(b) of the *Charter* requires them to provide you with the opportunity to speak to a lawyer in private as soon possible. When you are detained, you are also under no obligation to say anything to the police, you do not have to answer any of their questions or even give them your name and address; you are free to say absolutely nothing to the police. The police may make you feel like you have to answer their questions but the law allows you to remain silent. If you do choose to speak to the police anything you say must be the truth to avoid being charged criminally.

When you are detained the police have certain powers that allow them to search you. If you are being arrested the police can search you and your clothing if they have reasonable grounds to believe that evidence will be found. If they police are stopping but do not have grounds to arrest you they can conduct a pat down search of the exterior of your body (they are not entitled to

search your pockets) when they have reasonable grounds to believe that you pose a safety risk to them, yourself, or the public.

During your next walk in your community you now know how to respond to a police request to speak to you. Remain calm, ask the correct questions and the situation will become clearer. The situation will be stressful but there is no need to feel helpless – you know your rights.

The expansion of international human rights law has often not been matched by practice. Yet, there is growing consensus that the protection of human rights is important for the resolution of conflict and to the rebuilding process afterward. To achieve these goals, the international community has identified a number of mechanisms both to bring an end to human rights abuses and to establish an environment in which they will be respected in the future. They are not alternatives, but each provides important benefits in dealing with the past and envisioning a brighter future.

About the Federal Association for the Advancement of Visible Minorities (FAAVM)

The FAAVM is a non-profit organization. Our major focus involves using various multifunctional civil rights programs to help our mostly disadvantaged, underprivileged minorities as men, women and children. Via the FAAVM multilateral humanitarian systems, and activities, we're able to reach out to these people who are very difficult to reach via more traditional-type programs. We then use these activities to help improve the quality of life of these disadvantaged communities. Our all-volunteer network nationwide and worldwide program is comprised of several components, all having to do with providing meaningful and positive educational, socio-cultural, spiritual, economic, and overall human development activities for our mostly economically disadvantaged nationwide and worldwide.

A major objective is our use of national and international legally binding humanitarian instruments, norms, precepts and principles in order to intervene at the national level to outreach visible minorities who are often very difficult to otherwise reach. We are then able to impact Canadian minorities in many positive ways. We promote early education, child welfare, gender equality, social justice, global peace and socio-economic development, and promote the overall growth and advancement process. We emphasize maximizing positive human potential, drug education/prevention, healthy living, decreased street violence, improved reading and writing skills, and learning to respect others from diverse backgrounds.

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