HER EXCELLENCY THE RIGHT HONOURABLE MICHAËLLE JEAN

Speech on the Occasion of the Opening of the Association for Canadian Studies Conference
"Canadian Rights and Freedoms: 25 Years under the Charter"
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In Canada, we are free.
Free to express our views openly without fear of persecution.
Free to worship in our own way.
Free to choose who will govern our country.

Yet, when we examine our shared past, we realize that freedom did not come to us overnight.

Our ability to pursue our dreams and aspirations today flows from the long struggle that women and men, young and old, waged to ensure that freedom and justice would be available to all on Canadian soil.

As we celebrate together, the 25th anniversary of the *Canadian Charter of Rights and Freedoms*, I would like to share my thoughts with you on the significance of justice and freedom in our society.

A cardinal principle of democracy is the duty of the State to protect and guarantee the basic rights and freedoms of its citizens. Here, freedom does not only encompass the pursuit of material benefits.

It really intimates a higher and more universal state of being that encapsulates thinking and acting for the common good.

Pluralistic societies pose particular challenges in this regard. Their members often differ in their understanding of the common good, and the responsibilities that it implies.

In fact, their understanding of what is good often challenges the conventional views of the majority.

Hence, the duty to safeguard rights and freedoms and to provide opportunities for inclusive dialogue and open exchange becomes more important than ever.

In Canada, the mobilization around this duty has only really occurred in the last few decades.

Think about it. During the first half of the 20th century, our country was faced with the internment and deportation of many of its citizens.

We saw many of our workers detained under dubious circumstances.

And, we witnessed how prejudices against racial, religious and ethnic minorities limited their ability to flourish in our society.

Yet in the face of these injustices, Canadians were far from indifferent.

Animated by a profound belief in the inalienable rights of human beings, groups of women, Francophones and Anglophones, ethnic and racialized minorities, religious groups joined hands to demand that the basic rights and freedoms of all Canadians be respected and protected without discrimination.

What I find significant about these movements is that not only did they lead to the enactment of a federal *Bill of Rights* in 1960, under the leadership of Prime Minister John Diefenbaker.

But, they also fostered the emergence of a robust and widely accepted Canadian public culture, which held the inherent dignity and freedom of every human being as paramount.

And it is precisely in the midst of this *mouvance sociale* that the young intellectual, Pierre Elliott Trudeau, joined others in musing on the need for a constitutional declaration to enhance human rights protections for all and to provide official languages guarantees.

During the second half of the 20th century, legislatures across the country responded to the calls for greater human rights protections by enacting ordinances to protect fundamental rights.

Quebec stood out in this regard, as hundreds of citizens and legislators saw the unanimous ratification of la *Charte des droits et libertés de la personne* du Québec in 1975, a charter that went perhaps the furthest in North America in addressing the rights and freedoms of citizens.

It was on April 17, 1982 that the *Canadian Charter of Rights and Freedoms* was adopted. This represents a watershed moment in our history: Canada proclaimed its unwavering commitment to chart its own path according to the fundamental principles of justice, democracy, and freedom.

From that day on, our governments were bound to create laws and policies that respect the rights and freedoms of every citizen.

From that day on, Canadians had guarantees against arbitrary searches and seizures by law enforcement officials.

From that day on, equality rights were gradually enriched by efforts to ensure that the substance of our rights and freedoms is guaranteed by the law.

And now, 25 years later, we find ourselves at the crossroads. *Charter* jurisprudence has matured into a living oak tree – although some would argue that it has morphed into a weeping willow!

I think it is safe to say that the *Charter* has contributed significantly to furthering justice and freedom, even influencing the outcome of cases in such countries as the United Kingdom, South Africa and New Zealand. And so, we have every reason to be proud of these achievements!

Since my installation as 27th governor general of Canada, I have been touched to see how the spirit of the *Charter* has captivated the hearts and minds of citizens, from coast, to coast, who see it as a central component of Canadian identity.

As I have travelled across the country, I have been moved to hear citizens, both young and old, convey in their own way their passionate vision of a country in which everyone has an equal opportunity to flourish.

I have been impressed by their conviction that the fundamental rights and values we all cherish must be protected jealously.

I have been emboldened by their commitment to work together to ensure that no one is left behind.

These experiences have definitely been a source of great reassurance for me, as I watch with growing concern spaces and opportunities for public dialogue, reflection and exchange gradually disappear.

Even the very act of thinking critically, questioning received beliefs, is being stifled as the clamour of commercial images and new sensations are bringing social fragmentation and atrophy right to our doorsteps.

It is now more than ever that we must reconnect with our shared history of struggle for freedom and justice, so that we do not repeat the mistakes of the past.

More and more, we are hearing alarm bells ringing, calling upon us to stay fast to our shared commitment to democracy, justice and freedom.

Each bell resonates deeply within me, because I once fled from a country where tyranny was king and freedom was the luxury of a select few.

People who dared to speak truth to power were often found the next day, bludgeoned on the side of the street.

Like the thousands who have decided to make Canada their home, I have a special appreciation for the freedoms and rights that the *Charter* has brought to each member of our society.

So, I believe that it is now more than ever that we must resist the temptation to deny our fellow citizens their most basic rights.

It is now more than ever that we must answer the cries of vulnerable groups seeking full access to justice.

It is now more than ever that we must reconnect with our shared history of struggle for free-

dom and justice, so that we do not repeat the mistakes of the past.

For as Diefenbaker once said, "History shows that if you permit the rights of a citizen to be impinged upon, regardless of who the citizen may be, every other person is a step nearer to a loss of his rights."

Let us not forget that the world holds us up as an example.

Among the concert of nations, we are touted as a success story – a country that has discovered the secret elixir that enables Aboriginal, French and English, all religious groups, Asian, Black and White, and gay, lesbian and heterosexual, to work together for the common good.

As governor general of Canada, I hope that this important conference will allow you to find ways to see how the *Charter* can continue to enrich, as we say in French, *notre vivre ensemble*.

Canada is a model of how worlds, cultures, languages, histories and journeys should be interpreted, and because of this, it faces a greater number of challenges that require us to seek nuances. Thanks to the *Charter* we are celebrating, we can examine these challenges, make a diagnosis, and come up with solutions that focus on the principles we would like to rally around.

Thank you for inviting me, and I will follow your deliberations closely.