



**Canada's Charter of Rights and Freedoms seen as having positive impact
on rights and is a growing symbol of Canadian identity**
Analysis by Jack Jedwab
(Executive Director, Association for Canadian Studies)

The Association for Canadian Studies (ACS) commissioned the Environics Research Group to conduct a survey of 2,000 Canadians 18 years of age and over to assess their opinions on and knowledge of a variety of issues across the social, political and legal spectrums of the country. In this instalment, we present the results of questions dealing with the *Canadian Charter of Rights and Freedoms*. The survey was carried out by telephone between December 13, 2001 and January 5, 2002. Results are accurate to within plus or minus 2.2%, 19 times out of 20.

This April 17 marks the 20th Anniversary of the *Canadian Charter of Rights and Freedoms*. For two decades the *Charter* has given rise to several important debates that touch upon our basic values, our mode of governance (the relationship between the legislature and the judiciary) and Canada's evolving identity. Either directly or indirectly, the *Canadian Charter of Rights* has had a fundamental impact on the lives of the people of the country.

On the occasion of the 20th Anniversary of the Charter, the Association for Canadian Studies (ACS) will be holding a major Conference at the Ottawa Congress Centre from April 17th through April 20th. The Conference will examine the impact of the *Charter* over the last twenty years, explore current challenges and look into what its future might hold.

Marking this anniversary invites the question of the degree of Canadians attachment to the *Charter of Rights*. ACS commissioned Environics to explore Canadians attitudes on the *Charter* and the January 2002 the ACS-Environics poll of some 2000 Canadians uncovered the following:

- 82% of Canadians agreed that the *Charter of Rights and Freedoms* has had a major positive impact on the protection of the rights and freedoms of Canadians. Moreover this favourable opinion was shared across social, economic and linguistic sub-groups.
- Some 81% of Canadians believe that the *Charter of Rights and Freedoms* has become an important symbol of Canadian identity. This view is particularly strong in the Atlantic Provinces and Quebec where approximately nine out of ten persons feel this way. In Western Canada some three out of four believe that the Charter has become an important symbol of Canadian identity.²

² Canada's charter of rights-2002-01-01.02

Question: Please tell me if you strongly agree, somewhat agree, somewhat disagree or strongly agree with each of the following statements.

The Charter of Rights and Freedoms has had a major positive impact on the protection of the rights and freedoms of Canadians.

	Quebec	Rest of Canada
Strongly agree	45%	37%
Somewhat agree	41%	44%
Somewhat disagree	8%	10%
Strongly disagree	3%	6%
NSP/PR	3%	3%

The Charter of Rights and Freedoms has become an important symbol of Canadian identity

	Quebec	Rest of Canada
Strongly agree	49%	41%
Somewhat agree	38%	39%
Somewhat disagree	6%	12%
Strongly disagree	5%	6%
NSP/PR	3%	2%

As to which branch of government should have the final say on questions related to the fundamental rights of Canadians, some 35% felt that it should be the Parliament while 56% believed that it should be the Supreme Court of Canada. Younger respondents (18-29) tended to have more faith in the Supreme Court than did seniors (65 and over).³

³ Canada's charter of rights-2002-01-01.02

Question: in your opinion, which branch of government should have final say on questions related to the fundamental rights of Canadians? Should it be Parliament or the Supreme Court of Canada? (Asked of ½ the respondents)

	Canada	18-29	30-44	45-59	60+
Parliament	35	27	31	36	50
Supreme Court	56	62	62	58	42
Both	3	3	3	4	3
Neither	1	1	*	1	1
Other	-	-	-	-	-
DK/NA	5	8	4	1	5

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	Quebec	Rest of Canada
Parliament	30	37
Supreme Court	59	55
Both	4	3
Neither	1	1
Other	-	-
DK/NA	5	5

✚ On a related question, when asked whether the final say on fundamental rights should go to politicians or judges, sixty percent opted for the judiciary and thirty percent believed that it should be politicians. While there were few differences across the various sub-groups, age and voter preference showed some variations in opinion on this issue

✚ Over two out of every three Canadians believe that Supreme Court judges should be elected by the public as opposed to being appointed by the federal government. In all but Ontario (31%), 1 in 4 Canadians would like to see federal appointments of Supreme Court judges.⁵

⁵ Canada's charter of rights-2002-01-01.02

Question: Do you think that Supreme Court Justices should be appointed by the federal government or elected by the public? (Answers in %)

	Canada	Atlantic prov	Quebec	Ontario	Western CND
Appointed by fed. Gov	28	25	26	31	26
Elected by public	68	71	68	65	71
Both	1	1	1	1	1
Neither	1	*	*	*	1
Other	*	1	1	1	-
DK/NA	2	4	4	2	1

	Quebec	Rest of Canada
Appointed by fed. Gov	26	28
Elected by public	68	68
Both	1	1
Neither	*	1
Other	1	*
DK/NA	4	2

The ACS-Environics poll is being released in four (4) segments, exclusively to Le Devoir newspaper in Montreal, and to Southam News, on the following schedule:

The Charter of Rights / Justice

February 1, 2002 (for publication February 4, 2002)

Multiculturalism

February 15, 2002 (for publication February 18, 2002)

Language policy and the state of relations between English and French Canadians

March 1, 2002 (for publication March 4, 2002)

Knowing your government

March 15, 2002 (for publication March 18, 2002)⁶

⁶ Canada's charter of rights-2002-01-01.02