

Intro to Canada's Legal System

- law influences us every day of our lives
 - the t.v. we see
 - the radio we hear
 - the wages we earn
 - etc.
 - laws spell out the rights, duties, and expectations that we as citizens have toward each other and to society
 - without laws, there would be chaos and anarchy
 - every person of Canada is subject to the **rule of law**
 - we are subject to the same laws
 - we have the right to a fair trial
 - we have a right to fair punishments
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The Two Main Categories of Law

- laws either fall under **Civil Law** or **Criminal Law**
- civil law deals with relationships between people or organizations
- criminal law deals with matter which affect society as a whole

Civil Law:

- usually deals with disputes resulting from contracts, property (ideas, possessions, art), or personal relationships
- he/she who suffers loss is the *plaintiff*
- he/she who is being sued for wrongdoing is the *defendant*

Criminal Law:

- most laws fall into the *Criminal Code of Canada* which was passed in 1892
- it has been amended, but it is essentially the same

- if you break a criminal law, it is considered that you have wronged CDN society
- this is why the prosecution is **the Crown** (which stands for government – Rex/Regina)
- those who represent the defendants are the **Defense**
- only the Federal Government can make criminal laws, but the provincial governments can enforce them

- Canada's laws comes from three sources:
 - *Code Napoleon* – French laws
 - *Common Law* – English traditional law
 - *Statutory Law* – acts in Parliament

- Code Napoleon is based on Roman Law, and is still used in Quebec today
- Common Law's basis is *precedent* – laws and punishments were based on past cases, sometimes from hundreds of years ago in England

- know the diagram on pg. 275

The Charter of Rights and Freedoms

- all CDNs have their legal rights guaranteed in sections 7-14 of the Charter of Rights and Freedoms
- many cases are brought before the courts where an individual's rights are infringed upon

- your legal rights, the MOST IMPORTANT things you will ever get in Canadian society, are as follows:

7. The right to life, liberty, and security
8. The right to not be illegally searched
9. The right not to be arbitrarily detained/imprisoned
10. When you are arrested, you have the right:
 - Be told why
 - To have a lawyer without delay
 - Have the detention made legal (*Habeas Corpus*)
11. Any person charged with an offence has the right:
 - To be informed without delay
 - To be tried in a reasonable time
 - To be presumed innocent until proven guilty
 - To not be denied reasonable bail
 - To get a jury for serious offense
 - If acquitted, not to be tried for that offence again
12. Everyone has the right to not be subjected to cruel and unusual punishment

13. Evidence given by a person in one case can not be used against them in another case, unless the person lies on the stand (perjury charge)

14. Any witness in any proceedings who does not speak the language has the right to an interpreter

The Legal Rights of Law Enforcement Officers

- the powers of search and seizure have been steadily reduced since the Charter's signing in 1982
 - does this protect rights of people?
 - does this hinder an officer's ability to do his/her job?
- Miranda Rights have to be read (*Habeas Corpus*) when people are arrested to protect their rights, and the officer's ability to hold an arrest (read on pg. 276)
 - if these are not read, a person has grounds for release in Canada
- it is so important to know your rights, and the rights of law enforcement officers
- it can happen where abuses are made, and it is YOUR RESPONSIBILITY to understand how the law works
- all in all, your rights are the most important things in CDN society – understand them, and use them
(however, nowhere there does it say you have the right to arrive late or go the bathroom in class.. don't use the charter for evil my naughty students!)