

CHARTER CHALLENGES

- In general terms government controls and limits citizens freedoms by passing laws. These limits are needed so that society can function in an orderly and peaceful manner, but the government can only go so far in limiting the freedoms of its citizens
- If a citizen believes that a law passed by parliament (or legislature) unreasonably limits their rights or freedoms, that citizen has the right to '**challenge**' the law in court
- Every law in Canada must be **consistent** with The Charter of Rights and Freedoms. The Charter lists all the rights and Freedoms we, as Canadians, are guaranteed.
 - BUT each of these rights has a limit. Eg. We do not have total freedom of speech, since we are not allowed to threaten other people, or spread hatred.
 - Judges decide what limits on your freedoms are REASONABLE. In deciding what limits are reasonable a judge will ask three questions:
 1. Is the limit on the right or freedom intended to achieve an objective that is important to Canadian's
 2. Is the limit likely to help achieve that objective?
 3. Is the limit in keeping with Canadian citizen's values?
- If the answer to ANY of these questions is NO, then the limit on the citizen's right or freedom is unreasonable, and the law is declared invalid