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Rights In Motion:

An E-Toolkit for Protest and
Advocacy Work in Canada



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About this E-Toolkit



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What is the GLOCAL Foundation of Canada?

GLOCAL is a non-partisan, not-for-profit organization founded and operated by a passionate and diverse team of young Canadians from various backgrounds across the globe committed to promoting creative civic engagement with local participation and global understanding.

What does GLOCAL stand for?



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Global vision
Local engagement
Open mindedness
Creative solutions
Adaptive leadership
Lifelong learning

This E-Toolkit serves as an educational resource for Canadians who want to engage in advocacy work and protest. It is designed to help you understand your rights under the Canadian Charter of Rights and Freedoms, navigate potential interactions with law enforcement, and recognize some of the legal restrictions to advocacy work in order to support safe, legal, and empowered civic participation.

Disclaimer: *This e-toolkit is provided for informational and educational purposes only and is not legal advice. While efforts have been made to ensure the accuracy of the information, it should not take the place of advice from a qualified legal professional. We've included links to official sources if you want to learn more.*

Staying Informed: My Rights under the Charter

What is the Canadian Charter of Rights and Freedoms?

The **Canadian Charter of Rights and Freedoms** forms a fundamental part of Canada's Constitution and is designed to protect the rights and freedoms of individuals living in Canada, including equality rights, legal rights, and more. The Charter was established to keep Canada a free and democratic society, ensuring that the government, or anyone acting on its behalf, doesn't infringe upon or restrict these rights or freedoms in an arbitrary or unreasonable way. These rights and freedoms, however, are not absolute. They can be subject to reasonable limits if the limit is set out in law, pursues an important goal which can be justified in a free and democratic society, and pursues that goal in a reasonable and proportionate manner.



You can find the full [Canadian Charter of Rights and Freedoms](#) online.

The next two pages will list some of the Canadian Charter rights and freedoms that you may want to remember before organizing or going to a protest or advocacy event.

Charter Rights and Freedoms for Protest and Advocacy

Among the rights and freedoms protected by the Charter are several that are especially important in the context of protest and advocacy. Some of these include the freedoms of expression, peaceful assembly, association, and more. These protections from the Charter **empower individuals and groups to engage in peaceful protest and advocacy work**, allowing them to hold governments and institutions accountable.



Why does protest and advocacy matter in a democratic society?

Peaceful protest is a cornerstone of democratic participation in Canada, allowing individuals and communities to express dissent, demand accountability, and advocate for change. In a healthy democracy, protest and advocacy create space for public dialogue, strengthen civic engagement, and help ensure government decisions reflect diverse perspectives.

Charter Rights to Remember

2(b)

Freedom of Expression

Provision: Everyone has the following fundamental freedoms: freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication.

This right protects individuals and groups engaging in protest as a form of expression, including through signs, speeches, chants, and social media. Advocacy efforts rely on this freedom to criticize governments, raise awareness, and influence public opinion without fear of censorship.

2(c)

Freedom of peaceful assembly

Provision: Everyone has the following fundamental freedoms: freedom of peaceful assembly.

Peaceful public demonstrations, marches, and rallies are directly protected by this right, allowing people to gather collectively in support of causes. It ensures the state cannot prohibit or criminalize peaceful gatherings solely based on the content of their message.

2(d)

Freedom of association

Provision: Everyone has the following fundamental freedoms: freedom of association.

This freedom allows individuals to form or join advocacy organizations, unions, or coalitions to pursue shared political or social goals. It protects collective action and organizing, which are essential tools in protest movements.

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Life, liberty and security of the person

Provision: Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

This right protects protesters from being deprived of liberty (e.g., through arbitrary arrest) and from excessive force or intimidation by the state. It also ensures that any interference with protester rights must align with fundamental principles of justice.

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Charter Rights to Remember

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Search and seizure

Provision: Everyone has the right to be secure against unreasonable search or seizure.

Protesters are protected against unlawful searches of their belongings, devices, or persons by law enforcement during demonstrations. This safeguards privacy and helps prevent the targeting of individuals based on their participation in advocacy.

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Arbitrary detention

Provision: Everyone has the right not to be arbitrarily detained or imprisoned.

This right ensures that protesters cannot be detained without legal justification, such as being held for simply attending or organizing a protest. It protects against police misuse of detention powers to suppress dissent.

10(a)

Right to be informed of reasons for detention or arrest

Provision: Everyone has the right on arrest or detention to be informed promptly of the reasons therefor.

Protesters who are arrested or detained must be promptly told why, ensuring transparency and preventing arbitrary state action. It empowers individuals to challenge unlawful arrests and understand their legal situation.

10(b)

Right to counsel

Provision: Everyone has the right on arrest or detention to retain and instruct counsel without delay and to be informed of that right.

This guarantees that detained protesters can access legal advice without delay, which is critical for protecting their rights and preparing an effective legal defense. It ensures law enforcement informs individuals of this right during any arrest.

10(c)

Habeas corpus

Provision: Everyone has the right on arrest or detention to have the validity of the detention determined by way of habeas corpus and to be released if the detention is not lawful.

Protesters have the right to challenge the legality of their detention in court and to be released if it is found to be unlawful. This prevents prolonged or unjustified detention of demonstrators.

Can I Protest Here?

Legal Restrictions on Protest Locations

Public Spaces

Protests in public spaces are generally allowed. However, restrictions may apply when protests **block traffic, impede access to public property, or pose safety concerns**. In such cases, permits may be required under municipal bylaws or provincial regulations. These location-based restrictions aim to balance freedom of expression, peaceful assembly, and association with public order and safety.



Did you know?

Parliament Hill in Ottawa is an example of a public space. Organizing a protest on Parliament Hill in Ottawa requires a formal application for a permit and compliance with specific rules, [which you can find here](#).

Private Property

The rights and freedoms from the Charter that enable us to protest generally only apply in **public spaces**, not on **private property**. Protests on private property, such as homes, shopping malls, office buildings, or corporate headquarters, can be restricted by the property owner. If you protest without permission, you may be asked to leave and could face trespassing charges under provincial laws (e.g., the Trespass to Property Act in Ontario). To avoid legal risks, it's important to understand the boundaries between public and private spaces and organize protests in areas where your rights are legally protected.

Can I Protest Here?

Legal Restrictions on Protest Locations

Safe Access Zones

Safe Access Zones are legislated buffer areas (typically around clinics and facilities that provide abortion and reproductive health services) where certain activities, such as protesting, picketing, or approaching individuals, are prohibited. These zones are designed to protect patients and healthcare providers from harassment, intimidation, and obstruction. The zones also serve an important role in safeguarding access to healthcare. **In practice, these laws restrict the ability to protest in specific public spaces.** In some provinces, like British Columbia, these zones have also been extended to limit protest around schools.

Areas Subject to Injunctions

Injunctions are legal orders issued by a court that may prevent access to specific locations and impose limits or bans on protests and other activities in these areas.



What is an example of an injunction limiting protest?

In 2021, an injunction was granted to Teal-Jones Group by the B.C. Supreme Court during the **Fairy Creek Blockade**, a grassroots Indigenous-led movement to stop old-growth logging on unceded territory. This was enforced by the RCMP. Despite this, protestors continued to occupy the area, making the Fairy Creek Blockade an act of **civil disobedience**.

Legal Consequences

Engaging in protest and advocacy work can carry legal risks. It's important to know what these consequences are to make informed decisions about how to participate safely and within the law.

Causing a disturbance

Actions like fighting, shouting, swearing, using obscene language, impeding or blocking people in or near a public can lead to criminal charges.

Intimidation (by blocking a road)

Stopping traffic and blocking highways without legal authorization (by standing, sitting, or setting up barricades) with the intent to compel someone to do or not do something can lead to criminal charges.

Mischief

Destroying, damaging, rendering dangerous or inoperative, or interfering with the lawful use of property (e.g., graffiti, breaking windows, blocking entrances) can lead to criminal charges.

Breach of the peace

This isn't a criminal charge but police can detain you if they think your actions may lead to violence or property damage. You may be detained and taken away from the protest and released later, without charges.

Unlawful assembly or Riot

When three or more people act in a way that could cause fear of violence, it's unlawful assembly. If violence actually breaks out, it becomes a riot. Both can lead to criminal charges. Wearing a mask or disguise during these events is also illegal.

Resisting or obstructing an officer

Physically interfering or preventing an officer from doing their job can lead to criminal charges. Going limp during arrest isn't illegal, but police may respond with force.

Contempt of court

Ignoring or disobeying a court order (like an injunction) or showing disrespect in court and disrupting court proceedings can result in civil and criminal charges.

Restitution orders

If property is damaged or destroyed during a protest, a court may order you to compensate for the damage and pay for repairs or replacement.



What is civil disobedience?

Civil disobedience is the intentional, non-violent refusal to follow certain laws or government orders as a form of protest, often at the risk of arrest or punishment. The Fairy Creek Blockade (mentioned on the previous page) is widely considered the largest act of civil disobedience in Canadian history, with over 1,200 arrests as of May 2021 due to protestors not complying with court injunctions that disallow protests in the area.

If You're Stopped, Detained, or Arrested

Differences between being stopped, detained, and arrested

Stopped

Police may briefly stop you to ask questions. You do not always have to answer and you are generally free to walk away **except when you're operating a vehicle, such as driving a car.**

Detained

When detained, police hold you for investigation. You are **not free to leave**. You have not been charged and you have **the right to remain silent and to speak to a lawyer.**

Arrested

When arrested, police take you into custody because they believe you committed a crime. **You must be told the reason, informed of your right to silence, and given access to a lawyer.**

What to do if approached by police



- ☐ **Stay calm & respectful** → Keep your hands visible and avoid sudden movements.
- ☐ **Ask if you're free to go** → If yes, you can walk away.
- ☐ **If detained or arrested** → Remember that you have the right to remain silent and to ask for a lawyer.
- ☐ **Don't resist** → Even if you disagree, resisting can lead to more charges.
- ☐ **Document the encounter** → If safe, write down details (time, place, badge number) after the interaction.

Your right to remain silent and to legal counsel

The Right to Remain Silent → Other than providing basic identification in certain situations (like when driving), you do not have to answer police questions. Staying silent helps protect you from self-incrimination, because anything you say can be used as evidence in court.

The Right to Legal Counsel → You have the right to speak to a lawyer without delay. Police must inform you of this right and give you a reasonable chance to contact a lawyer before questioning you. You can also ask to speak with a lawyer again if police continue to question you later.



What are street checks?

Street checks are when police stop people in public and record their personal information, even if there's no suspicion of a crime. **These checks are considered voluntary and you can politely decline to answer questions.** Currently, Nova Scotia is the only province in Canada where street checks are officially banned.

Legal Aid & Emergency Resources Directory



What is this for?

Protesting and engaging in advocacy can sometimes lead to interactions with police or the legal system. Legal aid can provide you with advice, representation, navigate the legal process, and ensure you are treated fairly.

Canada's Legal Aid Program

The Legal Aid Program provides contribution funding to the provinces and territories for the delivery of legal aid services for economically disadvantaged persons. **If you need assistance, please consult the provincial and territorial legal aid plans' web pages listed below:**

- [British Columbia](#)
- [Alberta](#)
- [Saskatchewan](#)
- [Manitoba](#)
- [Ontario](#)
- [Quebec](#)
- [New Brunswick](#)
- [Prince Edward Island](#)
- [Nova Scotia](#)
- [Newfoundland and Labrador](#)
- [Nunavut](#)
- [Northwest Territories](#)
- [Yukon](#)

Additional Resources

Engaging in protest and advocacy can be emotionally challenging or distressing. Here are some resources to support mental wellbeing.

Mental health support

Suicide Crisis Helpline 9-8-8
Kids Help Phone 1-800-668-6868

Mental health support For First Nations, Inuit, and Métis Peoples

Hope for Wellness Help Line 1-855-242-3310
MMIWG Crisis Line 1-844-413-6649

For Provincial and Territorial resources, visit: <https://www.canada.ca/en/public-health/services/mental-health-services/mental-health-get-help.html#a2>

Glossary

Arrest

When police formally take you into custody because they believe you have committed, or are about to commit, a crime. An arrest means you are not free to leave, and you have the right to know the reason for your arrest and to speak to a lawyer.

Canadian Charter of Rights and Freedoms

Part of Canada's Constitution that guarantees fundamental rights and freedoms, such as freedom of expression, freedom of peaceful assembly, and equality rights. It sets limits on what the government can do and protects individuals from government overreach.

Civil Disobedience

The intentional and peaceful refusal to follow certain laws or rules, usually as a form of protest against injustice or government policies. While it can be a powerful advocacy tool, it may lead to legal consequences.

Detainmentment

When police or another authority temporarily stop you and restrict your freedom of movement. Detainmentment is not the same as being arrested, but you still have rights (such as the right to remain silent).

Injunctions

Court orders that can limit or prohibit specific activities in certain areas, such as blocking access to property. Breaking an injunction may lead to fines or arrest.

Safe Access Zones

Areas created by law where certain activities—such as protesting, picketing, or approaching individuals—are restricted. They are often established around healthcare facilities, like abortion clinics, to protect patients and staff from harassment, but can also include other facilities and areas. They are also known as “buffer zones” or “bubble zones”.

Street Checks

When police stop a person in public, question them, or record their information without arresting or detaining them. Street checks (sometimes called “carding”) have been widely criticized for disproportionately targeting marginalized communities.

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