

## At 25, charter is misunderstood 'Canadians all need a civics lesson,' pollster says

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CANWEST - A clear majority of Canadians believe the Charter of Rights and Freedoms is moving the country in the right direction, a new poll has found.

But 25 years after the Charter was adopted as part of the Canadian Constitution, there remains a high level of misunderstanding of how the Charter works.

Among the poll's unexpected findings: that awareness of the Charter's notwithstanding clause is lowest in Quebec, the province that used it first; that one-quarter of Canadians think the Charter does the country harm; and that only a small fraction of the poll's respondents believe the Charter reflects Canadian values.

"Considering the popular wisdom is to try to put the Charter up on a pedestal, that didn't really come through in this research," said Nik Nanos, president of SES Research, which conducted the poll.

The poll, to be published today in Policy Options magazine, found that only half of Canadians are aware of the existence of the notwithstanding clause, which allows Parliament and the provinces to override the protection of rights and freedoms guaranteed by the Charter.

"It's pretty obvious to me that Canadians all need a little civics lesson on the Charter," Mr. Nanos said in an interview. "We've had it for 25 years, but I think the average Canadian, beyond knowing that it exists, doesn't really connect with the Charter or know how it actually works."

The survey of 1,002 Canadians, conducted last November, found that 58% of respondents felt the Charter is taking the country in the right direction; 26% said it was in the wrong direction; and 16% were unsure.

Support for the Charter was highest in Atlantic Canada (67% of respondents) and Quebec (61%) and lowest in Western Canada (54%).

Ontario, at 58%, matched the national average.

The national results are considered accurate within 3.1 percentage points, 19 times out of 20. The margin of error is higher for regional figures.

The poll found only 49% of Canadians are aware that the federal and provincial



CREDIT: The Canadian Press Files

The Queen signs Canada's constitutional proclamation on April 17, 1982, under the eye of Pierre Trudeau. A new poll finds that 58% of respondents felt the Charter of Rights and Freedoms is taking the country in the right direction, while 26% said it was not.

governments have the power to override Charter protections by invoking the notwithstanding clause, found in Section 33 of the Charter.

Forty-eight per cent said they were unaware, while 3% said they were unsure. Surprisingly, awareness was lowest in Quebec, the province that has invoked the clause most frequently, notably in 1988 to pass legislation governing the language of commercial signs.

In Quebec, only 42% of respondents were aware of the clause's existence, while 58% were unaware.

Another question found that 32% of respondents felt that neither the provinces nor the federal government should have the power to override the Charter, while 30% agreed with the current arrangement. Another 25% were split roughly evenly between those who thought only the provinces should have the power and those who thought it should lay with the federal government.

The Charter enshrines freedoms of religion, expression, peaceful assembly and association.

Rights covered include the right to a democratic government, the right to mobility, the right to life, liberty and security of person, the right to equality and the right to use either of Canada's official languages.

The pollster found that 62% of Canadians support adding sexual orientation to the equality rights covered by the Charter, which currently protects against discrimination based on race, national or ethnic origin, colour, religion, sex, age and mental or physical disability. The proposed change was opposed by 29% and the remainder were unsure. Support for including sexual orientation was strongest in Quebec, at 73%, and lowest in the West, at 57%.

The poll also found that 69% of respondents supported adding the right to own property to the Charter, while 15% were opposed.

During last year's federal election, Stephen Harper, the Prime Minister, was attacked by then-Liberal leader Paul Martin when he proposed including property rights in the Charter. "If property rights were enshrined in the Constitution, then probably you would not be able to ban handguns," Mr. Martin warned.

The Conservatives say the change would ensure people have the right not to be deprived of property without due process of law.

SES found a mixed bag when trying to determine why Canadians appreciate or disapprove of the Charter. Among those who felt the Charter moves Canada in the right direction, the most common reasons given were that it protects rights and freedoms, it prevents discrimination and, simply, "it works."

A relatively small number -- 5% -- said it makes Canada a great country, while only 3% said it reflects Canadian values.

"There is general agreement that the Charter is an important thing, and it's important to have rights.

"Like all things in life, the devil is in the details, and when we get into the details, what we see is that there are some pretty noticeable pockets of concern and dissension in regards to the Charter and where it's taking the country," the pollster said.

Among those who believe the Charter moves Canada in the wrong direction,

the most common reasons given were that it "goes too far," that it "gives criminals

too many rights" and that it gives too much sway to minority groups.

The survey found that 54% of respondents believe the courts should have the final say in issues of rights, while 31% said it should be Parliament and 15% were unsure.

The poll was conducted in conjunction with McGill University's Institute for the Study of Canada, which next week will host a major conference in CanWest examining the Charter's first 25 years.

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