



KNOW YOUR RIGHTS during the G20

The *Charter of Rights and Freedoms* guarantees the rights that are essential to a free and democratic society. The *Charter* is the highest law in the land and applies to all public officials and police officers. The rights discussed below apply to **everyone** physically present in Canada, regardless of your citizenship or immigration status. *Charter* rights, however, are not absolute rights. They can be subject to reasonable limits, set out in law, that can be justified in a free and democratic society.

FREEDOM OF EXPRESSION & FREEDOM OF ASSEMBLY

These are some of the most important freedoms in a democratic society. **Your rights to freedom of expression and assembly are not suspended just because Toronto is hosting the G20 Summit, and do not stop at the edge of the ‘designated free speech area’.** Canada is a designated free speech area. The *Charter* does not, however, protect violent expression or gatherings, and even peaceful assemblies can be subject to other reasonable limits.

RIGHT NOT TO SPEAK TO THE POLICE (RIGHT TO SILENCE)

Your right to silence means that, **in general, you are under no obligation to speak to a police officer, to identify yourself to an officer, or to answer their questions.** There are some situations where you must tell the police specific pieces of information. If you are being arrested you must tell the police your name and address. If you are driving a car, you must produce your driver’s licence, insurance and registration. In the vast majority of situations – including when you are just walking in public or at a demonstration – you do not need to say anything to the police. Unless the police decide to detain or arrest you, they must let you walk away.

FREEDOM FROM UNREASONABLE SEARCHES

Police may ask if they can search you, or see what is in your bag. If you do not want to be searched, **you should clearly say ‘No, I do not consent to a search’.** In some situations, the police can legally search you without your consent. If the police demand to conduct a search, you should repeat that you do not consent. Do not, however, resist if the police decide to search you or your belongings without your consent. The search may be legal, and even if it isn’t, resisting could get you charged with other offences.



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WHAT IS DETENTION AND ARREST, AND WHAT IS THE DIFFERENCE?

A person is detained when the police decide they are no longer free to walk away. If a police officer says to you “Hey, don’t move!” or “You’re not leaving until you answer my questions”, you may be detained. **If a police officer stops you and you do not want to talk, you should ask “Am I free to go?” or “Am I being detained?”.** If you are not being detained, you can simply walk away. If you are being detained, it should be brief, and although the police may ask you questions, you do not have to say anything. There may be a pat-down search, but this should only be for officer or public safety.

A police officer will place you under arrest if he/she decides to charge you with an offence. **The police should tell you when they are placing you under arrest. If you are unsure, you can ask, “Am I under arrest?”** During an arrest, you and your belongings may be fully searched, and you may be taken to a police station or detention centre.

WHAT ARE MY RIGHTS IF I AM DETAINED OR ARRESTED?

- You have the **right to know the reasons** for your detention or arrest.
- You have the **right to contact, and speak to, a lawyer** of your choosing. Make sure you assert this right clearly, promptly and frequently until you speak to a lawyer. A legal support line has been set up by the Movement Defence Committee – you can phone that number (below) to get help if you have been arrested.
- **Right to silence** – if you are being detained, you do not have to answer any questions. If you are being arrested, you only have to give your name and address.
- **Right to appear before a court** within 24 hours of your arrest or detention, and the **right to reasonable bail**.

WHAT DO I DO IF MY RIGHTS ARE BEING VIOLATED?

In general, the time to complain about a rights violation is after it has happened. You should clearly say you think your rights are being violated, take down all the information you can about the situation, and afterwards contact a lawyer, or the appropriate oversight body. If you want to know more about making police complaints, go to www.ccla.org.

IMPORTANT NUMBERS

Movement Defence Committee Legal Support Line: 416-273-6761

Canadian Civil Liberties Association: 416-363-0321

This flyer is not intended as legal advice.

If you are arrested or detained by police, contact a lawyer as soon as possible.

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