
Equal Under the Law?

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Section 15 of the Constitution Act is a portion that blows up when a notable person faces charges...or doesn't but, we think, should.

During the #MeToo movement, we saw the abuse of power for sexual reasons highlighted. Recognizing that there were legitimate claims, which we hope were acted on by police, we also watched high level people brought down by charges in the court of public opinion but not sufficient evidence for legal action.

This question of equality under the law came to my mind with very public shaming of Andrew Mountbatten-Windsor, who is the brother of our King Charles III and who is the former Duke of York. Some municipalities are seeking to change the names of roads or notable locations that bear Andrew Mountbatten-Windsor's former name and title...Prince Andrew.

The scandals that have rocked the world for his sexual behaviour have been many over the decades. But, the charges he is facing now, for divulging confidential information, are serious political concerns.

It's for the police to consider charging him and the courts to consider his guilt or innocence, but it calls us to hold a mirror up to the state of our equality before the law. This equality before the law was one of the prime tenets of the Magna Carta signed in 1215, of which we are heirs.

In Canada, former Prime Minister Justin Trudeau divulged that his brother Michel Trudeau received the benefit of his father's intervention on drug related charges. Prime Minister Pierre Trudeau used his legal connections to make the offences "go away."¹ Is this one of the benefits of being 'Canadian Royalty'? Should we be concerned? How often does it happen that for the 'well to do' charges are made to "go away"?

I have to admit that I am very encouraged by much of what has happened in Canada regarding equality before the law, but I am discouraged by others. I see special rights for special groups and lesser rights for the 'unchosen'. We have to be careful to hold our government accountable for equal rights.

I'm not a fan of the former Prince Andrew. I remember some of the mocking names we called him when I was growing up because of his reprobate behaviour. His connection to Jeffrey Epstein is along a similar vein, and obviously, very much a problem, but he hasn't been charged with a crime...yet.

The latest legal action against him was questioning as to whether Andrew Mountbatten-Windsor revealed confidential information as a state envoy? I don't know if he did or didn't. What I do know is that he has neither been charged nor convicted in a court of law.

It is wise for us to be careful about trying someone in the court of public opinion. We don't have the facts. We just have opinions and impressions.

Our Constitution tells us:

15 (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.²

This says all that needs to be said, but there follows the caveat that the government can institute Affirmative Action. Affirmative Action allows for preferential treatment of some groups, presumably because on a fair playing field, they cannot compete. This is not classed as racist, sexist, or any other unfair treatment, even though it is, in my opinion, demeaning to those who are named as needing Affirmative Action. If they are being held back due to race, sex, etc., then their Charter right to equal treatment is being violated. Therefore, the entity holding them back should face investigation and the required legal action...not a trial by media or a trial by public opinion.

It behooves each one of us to consider whether we are presenting as facts someone's guilt or innocence about which we know nothing. Because they have done bad or good acts, which we all do, it does not make them guilty of another crime. It requires careful consideration of evidence.

"Canada's system of government has three branches: the legislative, the executive and the judicial. Each one has separate powers and responsibilities that are defined in the Constitution: the legislative branch passes laws, the executive implements them, and the judicial interprets them."³

CHP Canada fully supports Canada's branches of government and the separations between the jobs they do. It is important that we all respect and protect the division of powers that ensures equality under the law.

CHP Canada supports the rule of law. We believe every Canadian must be treated equally. Join us today.⁴

Footnotes

¹ globalnews.ca/news/3402314/justin-trudeau-michel-trudeau-pot-charges-father-connections/

² laws.justice.gc.ca/eng/ConstRpt/FullText.html

³ learn.parl.ca/understanding-comprendre/en/canada-system-of-government/the-branches-of-government/

⁴ www.chp.ca/get-involved/

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