

The "Khadr Resolution" & the Conservative Party convention, 2011

During the lead-up to the 2011 Conservative Party convention in Ottawa, media attention turned to a proposal termed by some as the "Khadr Resolution".^[1] [The resolution was inspired by the case of Omar Khadr, a young Canadian citizen who fought alongside the Taliban in Afghanistan in 2002, while Canada was engaged in combat against the Taliban.](#)^[2] The case was controversial because it pitted the Canadian government's duty to protect citizens' Charter rights against its interest in punishing what might amount to treason.^[3]

If the Khadr Resolution had been successful, the Conservative Party would have sought to allow the revocation of Canadian citizenship as punishment for those convicted of treason. This would have required an amendment to the Criminal Code.^[4] Members voted to defeat the resolution. This proposal raises questions regarding the appropriate limits for government action in redefining citizenship. Does the government violate a [constitutional right](#) when it arbitrarily changes the rules of citizenship acquisition or revocation? The answer to this question is unclear, since the Canadian Charter of Rights and Freedoms does not contain an explicit right to citizenship. Some might fear that the government will be allowed to sidestep its duty to protect citizens' Charter rights under sections 3, 6, & 23 simply taking a person's citizenship away through the enactment of legislation. In other words, when the government simply enacts legislation that revokes people's citizenship, people will automatically lose the Charter rights that specifically protect them as citizens. If the Khadr Resolution had been agreed to, there are many ways in which it would likely have been challenged: i) based on the argument that the Charter contains a right to citizenship; or, ii) based on the argument that the arbitrary removal of an individual's Canadian citizenship to constitute a violation of that individual's ["security of the person"](#).^[5]

^[1] See Steven Chase, "Conservatives reject proposal to strip citizenship of anyone fighting against Canada", *Globe and Mail* (11 June 2011). ^[2] "Indepth: Khadr", *CBC News Online* (30 October, 2006). ^[3] See [Canada \(Prime Minister\) v Khadr, 2010 SCC 3, \[2010\] 1 SCR 44](#). ^[4] [Criminal Code, RSC 1985, c C-46](#), s 46. ^[5] This would be based on the idea that the proposed amendment might have violated section 7 of the Charter; that is, "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".