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## Canada

**Country:**

Canada

**Year:**

2018

**Freedom Status:**

Free

**Political Rights:**

1

**Civil Liberties:**

1

**Aggregate Score:**

99

**Freedom Rating:**

1.0

**Overview:**

Canada has a strong history of respect for political rights and civil liberties. While indigenous peoples and other vulnerable populations still face discrimination and other economic, social, and political challenges, the federal government has acknowledged and made some moves to address these issues.

**Political Rights and Civil Liberties:**

### **POLITICAL RIGHTS: 40 / 40**

#### **A. ELECTORAL PROCESS: 12 / 12**

**A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4**

The British monarch is head of state, represented by a ceremonial governor general who is appointed on the advice of the prime minister. The prime minister is the head of government and is designated by the general governor after elections; the office is usually held by the leader of the majority party or coalition in the parliament.

**A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4**

The parliament consists of an elected 338-member House of Commons, and an appointed 105-member Senate. Lower-house elections are held every four years, with early elections called only if the government loses a parliamentary no-confidence vote. The most recent elections were held in 2015. The Organization for Security and Co-operation in Europe (OSCE) conducted a needs assessment mission before the election, as well as a mission during the vote. The group concluded that the elections were competitive and credible, but called for greater minority participation.

**A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4**

Electoral laws are generally fair and are well enforced by the relevant bodies. However, some observers have expressed concern about the 2014 Fair Elections Act, arguing that its stringent voter identification requirements place indigenous peoples at a disadvantage. The Liberal government elected in 2015 has introduced a bill that would relax some of the law's provisions, but it has not advanced past a first reading in the House of Commons.

**B. POLITICAL PLURALISM AND PARTICIPATION: 16 / 16**

**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4**

Canadians are free to organize in different political parties, and the system is open to the rise and fall of competing parties. While two parties have traditionally dominated the political system—the Conservative Party, espousing a center-right to right-wing political position, and the Liberal Party, espousing a center to center-left position—recent years have seen the rise of new groups.

**B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4**

A total of 23 political parties were registered in the 2015 elections. The center-left New Democratic Party (NDP) lost its status as the official opposition party in the House of Commons after the vote, and the Conservatives became the dominant opposition to the Liberal government.

**B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 4 / 4**

People's political choices are generally free from domination by actors that are not democratically accountable.

**B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 4 / 4**

Members of religious minorities and indigenous people are seated in the parliament, as are many women. However, the political interests of such groups are not always well represented. For example, critical issues facing Canada's indigenous peoples, including high rates of suicide, violent victimization, and murder, received little attention in the 2015 electoral campaign.

The rights and interests of LGBT (lesbian, gay, bisexual, and transgender) people were visibly defended in Canadian politics in 2017. In November, the federal government formally apologized to LGBT Canadians who were convicted of homosexual activity and purged from the Canadian military and civil service in the past. Earlier, in June, lawmakers approved a bill explicitly prohibiting discrimination based on gender identity or gender expression, affording transgender individuals among others more protection against hate crimes.

## **C. FUNCTIONING OF GOVERNMENT: 12 / 12**

### **C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4**

Canada's freely elected government determines policy.

### **C2. Are safeguards against official corruption strong and effective? 4 / 4**

Canada has a reputation for clean government and a record of vigorous prosecution of corruption cases.

### **C3. Does the government operate with openness and transparency? 4 / 4**

Despite the existence of the Access to Information Act, there are some challenges to obtaining information, including delays and excessive costs. The Liberal government has proposed a number of reforms to the information act, but the measures have been criticized as inadequate; the Information Commissioner of Canada has argued that the proposal would actually "result in a regression of existing rights" by creating new hurdles for requesters and giving agencies additional grounds for refusing requests. The reform bill had not been approved by the end of 2017.

## **CIVIL LIBERTIES: 59 / 60**

## **D. FREEDOM OF EXPRESSION AND BELIEF: 16 / 16**

### **D1. Are there free and independent media? 4 / 4**

Canada's media are generally free; journalists are mostly protected from violence and harassment in their work and are able to express diverse views. In October 2017, a new law permitting journalists greater ability to protect their sources took effect. It stipulates that journalists cannot be required to disclose confidential sources unless a Superior Court judge is persuaded that the information cannot be obtained through other means, and that it is in the public interest for the source to be revealed.

**D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4**

The constitution and other legislation protect religious freedom. However, controversy erupted over a bill passed by the Quebec legislature in October 2017 that bans the wearing of face coverings, including religious face coverings, while providing or receiving public services. A judge suspended the ban in December.

There are occasional instances of vandalism of Jewish and Muslim places of worship and cultural centers.

**D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4**

Academic freedom is generally respected.

**D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4**

Private discussion in Canada is generally free and unrestrained. However, in 2015, the former Conservative government passed a controversial antiterrorism law granting the Canadian Security Intelligence Service (CSIS) wider authority to conduct surveillance and share information about individuals with other agencies. Its passage elicited considerable condemnation from Canadian intellectuals as well as both domestic and foreign civil liberties watchdogs, who warned that it undermined the concept of privacy and could harm freedom of expression. In June 2017, the Liberal government introduced a bill that would reverse some of the law's provisions, and establish an independent review and complaints body and a parliamentary committee to monitor Canada's intelligence-gathering agencies. At year's end, it had only received a first reading in the House of Commons.

**E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 12 / 12****E1. Is there freedom of assembly? 4 / 4**

Freedom of assembly is constitutionally protected and upheld in practice.

**E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 4 / 4**

Nongovernmental organizations (NGOs) operate freely and frequently inform policy discussions.

**E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4**

Trade unions and business associations enjoy high levels of membership and are well organized. In June 2017, the new Liberal government reversed two controversial labor laws approved by the previous government. The laws had been criticized by unions for putting in place onerous financial disclosure rules, and making it more difficult to organize new unions in federally regulated sectors.

## **F. RULE OF LAW: 15 / 16**

### **F1. Is there an independent judiciary? 4 / 4**

Canada's judiciary is generally independent.

### **F2. Does due process prevail in civil and criminal matters? 4 / 4**

Constitutionally protected due process rights are generally upheld in practice. Canada's criminal law is based on legislation enacted by Parliament; its tort and contract law is based on English common law, with the exception of Quebec, where it is based on the French civil code.

### **F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 4 / 4**

The use of solitary confinement for extended periods of time in Canada's prisons made headlines in 2017, with many critics charging that the time that inmates are excluded from the general population of prisoners was becoming excessive, and that solitary confinement is frequently targeted at prisoners with mental health issues. In response to these criticisms, the federal government in June introduced legislation mandating that federal inmates may not stay in solitary confinement for longer than 21 consecutive days—with the cap lowered to 15 days 18 months after the legislation comes into force—unless the prison warden specifically orders otherwise. Legal advocates for prisoners claim the bill would have little practical effect other than to force wardens to review solitary confinement orders slightly earlier than they do presently.

### **F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4**

The government had made increasing efforts to enforce equal rights and opportunities for minority groups, although some problems persist, particularly for Canada's indigenous peoples, who remain subject to discrimination and have unequal access to education, health care, and employment.

The number of visible minorities in prison has risen significantly in the last decade; while the indigenous population comprises about 4 percent of Canada's population, they represent close to one-quarter of all inmates.

## **G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 16 / 16**

### **G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4**

Freedom of movement is constitutionally protected and upheld in practice.

### **G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 4 / 4**

Property rights are not constitutionally guaranteed, but in practice they are protected by laws and through the enforcement of contracts.

**G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 4 / 4**

Canada legalized same-sex marriage in 2005. Women's rights are generally well protected in law and in practice.

Domestic violence is a problem that disproportionately affects women, particularly indigenous women, and is underreported. There have been initiatives in recent years to train police in handling of domestic violence cases.

**G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 4 / 4**

In 2012, Canada enacted the National Action Plan to Combat Human Trafficking, and the government continued efforts in 2017 to hold perpetrators accountable and to provide aid to victims.

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