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U.S. Department of State

Canada Country Report on Human Rights Practices for 1997

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1998.

CANADA

Canada is a constitutional monarchy with a federal parliamentary form of government and an independent judiciary. Citizens periodically choose their representatives in free and fair multiparty elections.

Elected civilian officials control the federal, provincial, and municipal police forces. The armed forces have no role in domestic law enforcement except in national emergencies. Laws requiring the security forces to respect human rights are strictly observed, and violators are punished by the courts.

Canada has a highly developed, market-based economic system. Laws extensively protect the well-being of workers and provide for workers' freedom of association.

The Government generally respected the human rights of its citizens. However, there were occasional complaints in some areas, primarily regarding discrimination against aboriginals, the disabled, and women. The Constitution and laws provide avenues for legal redress of such complaints. The Government took serious steps to address violence against women, including the strengthening of antistalking laws.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings.

The controversy over the 1995 shooting death of an aboriginal activist at Ipperwash, Ontario continues. In April an Ontario provincial police officer was found guilty of criminal negligence causing death in the shooting and was sentenced to 2 years' community service under the supervision of a parole officer (see Section 5).

In July a civilian commission reported on its inquiry into allegations of abuses by troops deployed as part of the 1993 peacekeeping mission in Somalia. The commission reported evidence of an attempted cover-up of the shooting of two Somali civilians, one of whom died. One soldier was convicted of manslaughter and torture and sentenced to 5 years in prison, of which he served approximately 18 months. A second soldier was found guilty of negligence in the performance of his duty and sentenced to 90 days in prison. In addition, the careers of several senior officers were ruined.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices, and the Government observes the prohibition in practice.

Prison conditions generally meet minimum international standards, and the Government permits visits by human rights monitors.

As a result of an inquiry into a 1994 incident at the women's prison at Kingston, Ontario, the federal government took steps to protect the privacy of female prisoners, including the appointment of a deputy commissioner of women's corrections and changing the policy for strip searches to ensure that no men are present at searches of female inmates.

Although conditions at Toronto's Don jail have improved, inmates continues to complain of overcrowding, inadequate facilities, and inhuman conditions.

d. Arbitrary Arrest, Detention, or Exile

The law prohibits arbitrary arrest, detention, or exile, and the Government observes these prohibitions.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the Government respects this provision in practice. The judiciary provides citizens with a fair and efficient judicial process and vigorously enforces the right to a fair trial.

The court system is divided into federal and provincial courts, which handle both civil and criminal matters. The highest federal court is the Supreme Court, which exercises general appellate jurisdiction and advises on constitutional matters. The judicial system is based on English common law at the federal level as well as in most provinces; in the province of Quebec, it is based on the Napoleonic Code. Throughout Canada judges are appointed. In criminal trials, the law provides for a presumption of

innocence and the right to a public trial, to counsel (free for indigents), and to appeal.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law generally prohibits such practices, government authorities scrupulously respect these prohibitions, and violations are subject to effective legal sanction.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the Government respects these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom.

Journalists are occasionally banned from reporting some specific details of court cases until a trial i