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1999 Country Reports on Human Rights Practices

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CANADA

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

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 observed strictly, and the courts punish violators.

Canada has a highly developed, market-based economy. 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 problems in some areas. The Constitution and laws provide effective avenues for legal redress of complaints. Problems include discrimination against aboriginals, the disabled, and women. There was an increase in anti-Semitic harassment. The Government continues to take serious steps to address private acts of violence against women.

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 continued. In April a 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). The officer is appealing that conviction, while the victim's family is pursuing claims for damages in the civil courts. Because of the ongoing civil and criminal processes surrounding the incident, the provincial government has rejected calls for an inquiry into the shooting. The Federal Government also has rejected requests for an inquiry. Meanwhile, the Federal Government is continuing the process of ceding the neighboring military base to tribal control. As part of the agreement, the Federal Government is to return lands appropriated in 1942 under the War Measures Act and provide funds for community development and environmental cleanup.

A controversy arose in March 1998 after a Royal Canadian Mounted Police (RCMP) officer shot and killed a woman and her child on the Tsuu T'ina reservation. The officer was called to assist a tribal police officer and a social worker, who had responded to a domestic dispute, and fired in response to high-powered rifle fire from the woman. The province of Alberta, where the incident took place, commissioned an independent investigation by the British Columbia attorney general's office that was reviewed further by a respected former Alberta judge. The reviews determined that criminal charges against the officer were not warranted. A separate judicial inquiry begun in 1998 continued with the participation of reservation representatives to determine the causes of the incident and how future incidents could be prevented.

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 these prohibitions in practice.

In May 1998, the chief of the armed forces announced an investigation into credible allegations made by a number of women serving in the armed forces that, in previous years, they had been subjected to rape, sexual harassment, and sexual abuse by their military colleagues. In addition to a special hot line established in 1998, the Minister of Defense in June 1998 established an Ombudsman to provide a means for conflict resolution for military members and civilian employees who believe that they have been treated unfairly. The Advisory Board on Canadian Forces Gender Integration and Employment Equity was established in November 1998. The Ministry also created a new military police complaints commission, which came into force on December 1 and a new armed forces grievance board that is scheduled to come into effect on March 1, 2000. The office of the Ombudsman reported in September that one-half of the 604 cases before it had been resolved.

Toronto police continued a review of procedures following public complaints about the use of strip searches and body cavity searches in several routine arrests. The review determined that there were isolated incidents of unnecessary searches. Toronto police authorities determined that the policy was still appropriate, but that officers required additional training in determining when such searches are appropriate.

An official investigation continued concerning the use by police of pepper spray to break

up demonstrations that blocked the access road to the November 1997 Asia Pacific Economic Cooperation (APEC) conference in Vancouver, (see Section 2.a.). At year's end, a Public Complaints Commission inquiry continued to explore potential responsibility for the police action, including the role of senior government officials.

Prison conditions meet minimum international standards, and the Government permits visits by human rights monitors. During the year, Ontario made changes to the facilities of the Don jail and improved inmate services, including its units for religious foods, special needs, health care, and psychological problems. Inquiries from the Ontario human rights ombudsman about jail conditions declined from 1998.

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 derived from the Napoleonic Code. Throughout the country, 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. The prosecution also can appeal in certain limited circumstances.

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. Howe