



Canada

Country Reports on Human Rights Practices - [2000](#)

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Canada is a constitutional monarchy with a federal parliamentary form of government. Citizens periodically choose their representatives in free and fair multiparty elections. On November 27, voters elected a majority of 172 Liberal Party members to the 301-seat Parliament, and Jean Chretien began his third term as prime minister. 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, and the law and judiciary provide effective means for dealing with individual instances of abuse; however, there were problems in some areas. Problems include discrimination against aboriginals, the disabled, and women. There was an increase in anti-Semitic harassment. The Government continued to take serious steps to address private acts of violence against women. Trafficking of persons into the country, including trafficking for purposes of prostitution is a growing problem.

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 killings.

Four Toronto policemen were charged with manslaughter for the death of a suspect whom they beat while taking him into custody outside a convenience store in August. Accounts of the incident vary as to what actually transpired at the time.

The Government made concerted efforts to resolve issues stemming from two controversial shooting deaths in previous years. In May an Alberta provincial court judge issued a fatality inquiry report on the causes of a 1998 incident in which a Royal Canadian Mounted Police (RCMP) officer shot a woman and her child on the Tsuu T'ina reservation. The report's 18 key recommendations focused on the needs of indigenous people and improvements in police and family services procedures, and other measures to prevent similar situations from occurring. A court upheld the 1999 conviction for criminal negligence of a police officer in the 1995 shooting death of an aboriginal activist at Ipperwash, Ontario.

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; however, there were isolated incidents of police mistreating suspects. In February the RCMP began an inquiry into the deaths of four native men, two of whom were found frozen on the outskirts of Saskatoon and two of whom were found dead in or near their homes. Another native man filed charges against two Saskatoon police officers who allegedly picked him up in a police cruiser, drove him to the same spot outside the city where the two other men were found dead, and left him in sub-zero temperatures. At year's end, the two officers were awaiting trial in this case. In October Saskatchewan's Justice Minister ordered a public inquest into the events that led to the death of one of the men who had been found dead in his home, due to a drug overdose, shortly after being released from police custody. The provincial public prosecutions office already had decided that there was no basis for pressing criminal charges in relation to this case.

The military continued to receive complaints from women serving in the armed forces who charge that they are subject to sexual abuse, harassment, and discrimination. A new armed forces grievance board that is independent of the military chain of command began operations in June. In addition, other mechanisms established by the Government to address such complaints, including the Advisory Board on Canadian Forces Gender Integration and Employment Equity and an Ombudsman in the Department of National Defense, continue to operate. During the year, the Ombudsman received 14 discrimination complaints,

128 harassment complaints, and 2 sexual assault complaints.

In 1999 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 still was appropriate and during the year provided further guidance to officers about when such searches are appropriate.

In June the RCMP Public Complaints Commission completed its hearings on the controversy surrounding the use of pepper spray to break up demonstrations at the November 1997 Asia Pacific Economic Cooperation (APEC) conference in Vancouver (see Section 2.b.). The Commission had not issued a report by year's end.

Prison conditions meet minimum international standards, and the Government permits visits by human rights monitors. However, the Ombudsman Ontario remains concerned about "recurring evidence" presented in three separate investigations concluded during the year that there is a "systemic problem in the lack of consistent application of official policy and standing order across correctional facilities in the province's prison system." The Ombudsman investigated a variety of problems during the year, including segregation procedures, use of force, and lost property. The Ombudsman also made recommendations concerning standards of hygiene, health care, and fair and reasonable treatment to the Ministry of Correctional Services; the Ombudsman reports that the Ministry has begun to make improvements in these areas.

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 (which is 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 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; however, the Supreme Court has ruled that the Government may limit free speech in the name of goals such as ending discrimination, ensuring social harmony, or promoting gender equality. The Court ruled that the benefits of limiting hate speech and promoting equality are sufficient to outweigh the freedom of speech clause in the Charter of Rights and Freedoms.

Journalists occasionally are banned from reporting some specific details of court cases until a trial is concluded, and these restrictions, adopted to ensure the defendant's right to a fair trial, enjoy wide popular support. Some restrictions on the media are imposed by provincial-level film censorship, broadcasters' voluntary codes curbing graphic violence, and laws against hate literature and pornography. The Charter of Rights and Freedoms provides for free speech and free press, but both the Criminal Code and human rights legislation have established limits. Inciting hatred (in certain cases) or genocide is a criminal offense. The Supreme Court has set a high threshold for such cases by specifying that these acts must be proven willful and public. The Broadcasting Act, which prohibits programming containing any abusive comment that would expose individuals or groups to hatred or contempt, has not yet been challenged in the courts.

The Human Rights Act also prohibits repeated communications by telephone that expose a person or group to hatred or contempt. Human rights groups are exploring the possibility of extending this prohibition to the Internet, arguing that the Internet should be considered "telephonic communications" and therefore covered under the Human Rights Act. Between October and December, the Human Rights Tribunal heard two complaints that the Ernst Zundel web site, known for its Holocaust-denial material, incites hatred against Jews. The case was ongoing at year's end.

On September 13, an unidentified gunman shot and wounded Michel Auger, the organized crime reporter for Le Journal de Montreal. The previous day, Auger had published an article regarding activities of motorcycle gangs. Police linked the Hell's Angels motorcycle gang to the shooting and their investigation continued at year's end. They arrested two men in connection with the attack, including one man for making and supplying the gun. The Auger shooting led to a debate between those who advocated additional powers for law enforcement to go after gangs (up to and including suspension of the Charter of Rights and Freedoms) and those who argued that preserving civil liberties outweighed the risk of isolated incidents of gang violence. The question divided the journalistic community, which relies heavily upon civil liberty provisions. After the Auger shooting, approximately 20,000 persons (mostly journalists) demonstrated on the streets of Montreal, to urge police to do a better job in combating gang violence. Following Auger's recovery and return to work, the numbers of those calling for additional police powers dwindled.

Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for these rights, and the Government generally respects them in practice.

In June the RCMP Complaints Commission completed hearings begun in 1998 investigating the use of pepper spray by RCMP officers to break up small crowds of protesters at the APEC leaders meeting in Vancouver in November 1997. The issues covered by the Commission included whether actions taken by police were justified by the security risk and whether political considerations such as direct influence from senior political leaders played a role in determining the level of RCMP response to protesters' actions. The Commission had not issued a report at year's end.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government respects this right in practice.

The province of Saskatchewan permits prayer and bible readings in school as provided for in the Saskatchewan Act, which forms part of the provincial constitution. However, in July 1999, a one-person Board of Inquiry ruled that it was discriminatory to require recitation of the Lord's Prayer in Saskatoon public schools. As a result of the ruling, the Lord's Prayer is not recited in Saskatoon public schools. At year's end, the

Saskatoon School Board and complainants continued to search for a compromise.

Public funding for Roman Catholic schools--or separate schools--is constitutionally protected in the country's original four provinces, but the policy has been challenged in recent years. In 1999 the U.N. Human Rights Committee found that the province of Ontario had failed to provide equal and effective protection against discrimination.

In March 1999, the government-mandated Proulx task force submitted a report on religion in schools to the Quebec National Assembly. Its 14 recommendations included abolishing Catholic and Protestant status for public schools and creating secular public schools within which religion would be studied from a cultural perspective. Publicly funded support services would be provided for students of all faiths. School boards' responses are due to the Quebec government by July 1, 2001.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the Government respects them in practice.

The law provides for the granting of asylum and refugee status in accordance with the standards of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and extends first asylum. Canada is a resettlement country, and the Government projected approving between

36,600 and 40,800 claims for refugee status during the year.

During the summer of 1999, 599 Chinese arrived illegally by boat off the coast of British Columbia and sought refugee status. Because the majority of the early refugee claimants who were released failed to appear for their hearings, a much larger percentage of refugee claimants from subsequent boats were remanded into custody pending their refugee hearings. A total of 586 persons made refugee claims. The Government has granted refugee status to 25 migrants and has denied 458 claims. Of these, 330 have been returned to China. Other claims were abandoned or withdrawn. A total of 43 adults remained in custody at year's end. A total of 115 children were placed in the care of the Ministry of Children and Families.

There was no information publicly available on the results of a formal inquiry into a Chinese refugee's claims that prison officers had beaten him in December 1999.

There were no reports of the forced expulsion of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

On November 27, national parliamentary elections were held, in which the Liberal Party won a majority with 172 of 301 seats. The Canadian Alliance (conservative) won 66 seats, the Bloc Quebecois (separatist) won 38 seats, the New Democratic Party (liberal) won 13 seats, and the Progressive Conservative Party (conservative) won 12 seats. Jean Chretien of the Liberal Party entered his third term as Prime Minister.

A significant body of opinion in the Province of Quebec (represented by the party that currently governs the province) continues to maintain that Quebec has the right to withdraw from the Confederation if that decision proves to be the democratically expressed will of the people of Quebec. However, in June the Federal Government enacted legislation to clarify its role in a possible secession attempt by a province. The new law is in response to a 1998 Supreme Court reference (an answer to a question referred to the Court by the federal government), which stipulated that the Federal Government would be obliged to negotiate Quebec's separation in good faith if a clear majority of Quebecers voted to separate on the basis of a clearly phrased question. The new legislation stipulates that the House of Commons must determine whether any future secession referendum question proposed by a province is clear, and whether any subsequent majority vote is large enough to obligate the Government to negotiate secession. The legislation was controversial with Quebec's provincial government, which then drafted and, on May 30, passed Bill 99 to underline the right of the Quebecois to self-determination and to decide the political regime and legal status of Quebec.

There are no laws limiting the participation of women in political life; however, they are underrepresented in government and politics. Following the November elections, in the Parliament, 62 of 301 members in the

House of Commons are women, and 33 of 105 senators are women. Women hold 10 seats in the 36-person Cabinet. In November 1999, a woman was appointed for the first time as Chief Justice of the Supreme Court.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are very cooperative and responsive to their views.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Charter of Rights and Freedoms provides for equal benefits and protection of the law regardless of race, national or ethnic origin, color, religion, sex, age, or mental or physical disability. These rights generally are respected in practice; however, there were some complaints of discrimination in this multicultural society.

Women

The law prohibits violence against women, including spousal abuse; however, it remained a problem. The number of sexual assault crimes have declined over the past 5 years; however, in 1999 a total of 23,872 cases of sexual assault were reported. The courts consider such cases seriously and those convicted of sexual assault face up to 10 years in prison. Cases involving weapons, threats, wounding, or endangerment of life carry longer sentences, up to life imprisonment.

The Government's publication on family violence statistics indicates that an estimated 8 percent of women (and 7 percent of men) who were married or living in a common-law relationship during the previous 5-year period experienced some type of violence committed by their partner on at least one occasion. The economic costs of violence against women are estimated to be \$2.7 billion (Can \$4.2 billion). Services available to abused women have increased significantly over the past 2 decades. For example, the number of shelters for abused women across the country increased from 75 in 1979 to 470 in 1998.

The Criminal Code prohibits criminal harassment (stalking) and makes it punishable by imprisonment for up to 5 years. The law prohibits sexual harassment, and the Government enforces this provision. Women continued to complain of harassment in the armed forces, and the Government has set up mechanisms to try to resolve complaints (see Section 1.c.).

Women are well represented in the labor force, including business and the professions. Employment equity laws and regulations cover federal employees in all but the security and defense services. In October 1999, the Federal Government agreed to a settlement following an unsuccessful appeal of a 1998 Human Rights Tribunal ruling that the Government must pay back wages to workers in underpaid positions (predominantly female) under the concept of equal pay for work of equal value. Payment was made and finalized this year.

Women have marriage and property rights equal to those of men. Women head over 85 percent of single-parent households.

Prostitution is legal, but pimping and operating, being found in, or working in a brothel are not. Living (wholly or partially) on the earnings of prostitution is illegal. Communicating in public for the purpose of prostitution (solicitation) is also illegal, but is considered a lesser offense than the other offenses related to prostitution.

Women were trafficked for purposes of commercial sexual exploitation (see Section 6.f.).

Children

The Government demonstrates its strong commitment to children's rights and welfare through its well-funded systems of public education and medical care. Education is free through grade

13 and is compulsory nationwide through age 15 or 16, depending on the province. Federal and provincial regulations protect children from abuse, overwork, and discrimination and penalize perpetrators of such offenses.

There is no societal pattern of abuse of children. Changes to the law in 1997 strengthened tools to combat child prostitution and prohibited female genital mutilation, which is widely condemned by international health

experts as damaging to both physical and psychological health.

A group of 1,500 citizens, who as orphans were diagnosed falsely as retarded and psychotic, and illegally interned in mental institutions during the 1930's, 1940's, and 1950's, continued to seek compensation from the provincial and Federal governments. They charge that the Government is responsible for the abuse that they received in the Catholic Church-run institutions, including beatings, electric shock treatment, and sexual abuse. In 1999 they formed a committee to seek restitution for the abuse suffered. In May the Catholic Church announced that it would participate in a "compassion fund," but would not issue a formal apology or admit fault in the cases. Quebec Premier Bouchard reiterated his government's compensation offer of approximately \$650 (C\$1,000) each to the victims, but the committee representing the orphans rejected the offer as insufficient.

Children were trafficked for purposes of commercial sexual exploitation (see Sections 6.c., 6.d., and 6.f.).

People with Disabilities

There is no legal discrimination against disabled persons in employment, education, or in the provision of other state services. Nevertheless, the Government continued to receive numerous complaints regarding societal discrimination against disabled persons and has instituted programs to discourage such discrimination. Disabled persons are underrepresented in the work force; they make up 2.7 percent of the federally regulated private sector work force, while those capable of working total 6.5 percent of the population. The law mandates access to buildings for persons with disabilities, and for the most part the Government enforces these provisions.

In 1999 the province of Alberta announced that it would compensate the nearly 500 surviving persons who were sterilized without their consent under a policy aimed at residents of mental institutions. More than 2,000 Albertans were sterilized between 1928 and 1972 under the Alberta Sterilization Act, which was repealed in June 1972. By the end of the year, the Alberta Government had settled all outstanding sterilization claims.

The law provides a variety of protections and rights for the disabled and specifically prohibits discrimination against disabled persons in employment, education, or in the provision of public services. Sexual exploitation of persons with disabilities in situations of dependency is a criminal offense. The law requires employers and service providers to accommodate special needs of disabled persons, unless it constitutes an undue hardship, and mandates access to buildings for the disabled. The Government has instituted programs to help the disabled join the work force, but they continued to experience more difficulties in getting and retaining employment than those without disabilities.

Indigenous People

The treatment of aboriginal people continued to be one of the most important human rights problems facing the country. Disputes over land claims, self-government, treaty rights, taxation, duty-free imports, fishing and hunting rights, and alleged harassment by police continued to be sources of tension on reserves. Aboriginal people remain underrepresented in the work force, overrepresented on welfare rolls and in prison populations, and more susceptible to suicide and poverty than other population groups.

The Charter of Rights and Freedoms specifically protects aboriginal rights, including those established by historical land claims settlements; aboriginal rights also are recognized in the Constitution and by the courts. Historical treaties with native groups in eastern Canada form the basis for the Federal Government's policies there, but the antiquated language and uncertain intent have resulted in extensive legal challenges to the Government's interpretation of treaty rights. Native groups in the west that never signed historical treaties continue to claim land and resources, and many continue to seek legal resolution of outstanding issues. As a result, the evolution of the Federal Government's policy toward aboriginal rights, particularly land claims, has been linked closely to legal challenges, including 45 Supreme Court decisions.

In 1998 the Government established the Aboriginal Action Plan, a "long-term, broad-based" policy approach to promote the quality of life of aboriginal people and promote self-sufficiency. According to the Department of Indian and Northern Affairs, the Government spent \$4.7 billion (Can \$7 billion) on aboriginal programs during the year, which included the Aboriginal Action Plan and spending from 12 different departments. Since 1999

16 specific claims have been settled, and 70 comprehensive land claims have been negotiated across the country. After years of negotiations, the Federal and provincial governments concluded a modern day treaty with the Nisga'a people of British Columbia, who received claim to tribal lands, fishing and timber rights, limited self-government, and other economic benefits. The Federal Government continued to be involved in self-government negotiations with over 350 First Nations, and 6 agreements were in final or advanced stages of

negotiations at year's end. Professional development and fiscal accountability projects further support aboriginal self-governance.

In response to court decisions over the past few years, the Government continues to work at resolving a variety of issues, including fishing rights in Atlantic Canada. Disputes over native fishing rights in Atlantic Canada continued after a 1999 Supreme Court ruling on the Marshall case which interpreted centuries-old treaties to allow First Nations to earn a moderate livelihood from natural resources, in compliance with government regulations that promote conservation and protect others who depend on the same resource. The Federal Government negotiated interim fishing agreements with 29 of the 34 native communities in Atlantic Canada, but the Burnt Church First Nation in New Brunswick and 4 other native communities in Nova Scotia have refused to sign the interim agreements and have been accused of contravening federal regulations by fishing for lobster out-of-season. Other test cases that involve aboriginals being tried on charges of illegally harvesting timber on Crown land continued in the court systems in New Brunswick and Nova Scotia. Court cases also continue in Quebec over timber resources.

During the year, the Federal and British Columbia governments concluded a treaty with the Nisga'a people who live in northwestern British Columbia. The treaty gave the Nisga'a control over 765 square miles of tribal lands, a cash settlement, fishing and timber-cutting rights, and certain rights of self-government. The treaty ended a range of special tax breaks and other benefits available under previous arrangements. The treaty was ratified by the Nisga'a people in November 1998 and by the provincial legislature in the spring of 1999. It was debated and passed by Parliament in December 1999. Although the British Columbia legislature ratified the treaty, two groups expressed their intention to challenge the treaty in court. These legal challenges include one from a political party that contends that the treaty should have been submitted to a referendum and one from the Gitanyow, an aboriginal band located near the Nisga'a, who contend that the treaty awarded more than 85 percent of their traditional tribal lands to the Nisga'a. At year's end, neither case had made legal progress.

The Stoney reserve west of Calgary gave up control of its finances to federal Indian Affairs officials in 1997, following widespread allegations of political corruption, financial mismanagement, sexual assaults, and abuses connected with social service agencies. After a 2-year probe, the RCMP concluded that no criminal charges would be made, and that instead, the problem with reserve finances was managerial in nature. Stoney Reserve corrected the situation and put its finances back in order. Of the 611 First Nations, 25 have their finances managed by a private accounting firm.

Quebec's Indian people remain overwhelmingly opposed to separation from Canada and deeply distrust the separatist government of the province. Despite the Quebec Prime Minister's recent overtures to the leaders of the Cree and Inuit nations, surveys indicate that most of Quebec's 60,000 Indians would favor partition of the province in the event of Quebec's separation from Canada. Indian leaders maintain that a sovereign Quebec would treat Indians as another ethnic minority instead of as sovereign nations within the territory of the province. To address these sentiments and respond to a pending lawsuit, in 1998 the Quebec government agreed with the Cree and Mohawk tribes to initiate negotiations regarding longstanding grievances over timber resources, public rights of way on tribal lands, and management of development in the James Bay region. In March 1999, Quebec gave the Mohawks increased fiscal rights and powers. In June 1999, the first summit in 11 years between Quebec's First Nations and the provincial government was held to establish a permanent policy forum to resolve ongoing issues. During 1999 the Government focused on negotiations over a commission to set up a political entity (Nunavik) for Quebec's Inuit. The commission, in accordance with an agreement signed in November 1999, has Inuit, Quebec, and federal representatives. In September the James Bay Crees challenged the authority of the Nunavik Commission on the basis of overlapping land claims. In December the Commission postponed delivering its final report to the federal and provincial governments, stating that it needed more time and formally requested an extension of its mandate to the end of March 2001.

In May 1999, representatives of the Government of Newfoundland and Labrador, the Federal Government, and the Labrador Inuit Association initialed a land claims agreement for the Inuit. The plan provides for land, water rights, self-government, and an economic development plan that includes sharing revenues from subsurface developments. The Federal Government negotiated interim fishing agreements with 29 of the 34 native communities in Atlantic Canada, but the Burnt Church First Nation in New Brunswick and 4 other native communities in Nova Scotia have refused to sign. As a result, they have been accused of contravening federal regulations by fishing for lobster out-of-season.

In September 1999, the Supreme Court overturned the conviction of Nova Scotia aboriginal Donald Marshall for catching and selling fish eels out of season and without a license. In doing so, the court ruled that the 18th century treaties between the aboriginals and the British Crown gave the First Nations rights not accommodated by modern fishery regulations. The Court ruled that the Federal Government must give treaty beneficiaries access to the fisheries sufficient to enable them to earn a moderate livelihood. The Court also found that this right is subject to regulation and subsequently reemphasized this point in a separate explanation of its decision. There was some violence against aboriginals by nonaboriginals, following aboriginal efforts to

exercise their new rights by trapping lobsters in October prior to the normal season. The Supreme Court's decision to interpret the 18th century treaties liberally has encouraged aboriginals involved in a number of court cases seeking access to economic benefits from natural resources such as logging, mining, and energy.

The Supreme Court's clarification of the Marshall case ruled out the possibility of aboriginals using the case to gain commercial rights in the forestry sector. However, test cases now are progressing through the court systems in New Brunswick and Nova Scotia that involve aboriginals being tried on charges of illegally harvesting timber on Crown land.

Religious Minorities

The League for Human Rights of B'nai Brith in Canada reported that there were 267 incidents of anti-Semitism in 1999--an

11 percent increase from 1998. An increase in acts of vandalism contributed to the rise in incidents, in contrast to a steady decrease in previous years. The League continues to express concern over the growth of anti-Semitic activity on the Internet. In October the Human Rights Tribunal examined the activities of one such web site (see Section 2.a.).

In October and November, Jews were subjected to a wave of attacks that community leaders said was unprecedented. During a 6 week period beginning on October 1, about 45 anti-Jewish incidents --arson, assaults, verbal abuse and death threats--were recorded. Many Jewish leaders complained about what they described as a lukewarm response from government officials at all levels.

National/Racial/Ethnic Minorities

The narrow defeat of the 1995 Quebec sovereignty referendum left unresolved the concerns of French-speaking Quebecers about their minority status in Canada, while sharpening the concerns of English-speaking Quebecers about their minority status. The separatist Parti Quebecois provincial government of Quebec stated that it would hold another sovereignty referendum only under winning conditions. The Supreme Court ruled in August 1998 that a unilateral declaration of independence would be illegal, but that the Federal Government and other provinces would be obligated to negotiate Quebec's separation if a clear majority of Quebecers voted to change their relationship with Canada on the basis of a clearly phrased referendum question (see Section 3).

Some English-speaking and native groups in Quebec assert the right to keep parts of Quebec in Canada in the event that Quebec declares independence. Despite personal meetings and other overtures by Quebec's Prime Minister to aboriginals and the English-speaking community, both groups remain distrustful of the separatist government of Quebec. Many members of these communities fear that their rights would be infringed by a sovereign Quebec.

The Constitution protects the linguistic and cultural rights of minorities. Despite Canada's federal policy of bilingualism, English speakers in Quebec and French speakers in other parts of Canada generally must live and work in the language of the majority.

In January the Supreme Court upheld an appeal by francophones who had been denied a French-language school in their community and forced to bus their children 57 minutes to another school. The Court ruled that the percentage of French language students in the community who potentially could attend a French language school (rather than the actual number of students who desired to attend one) met the requirements to establish such a school, and therefore the community was obligated constitutionally to provide one. In making its ruling, the Supreme Court stated that the Appeals Court erred (among other reasons) by not considering which services would best encourage the flourishing and preservation of the French language minority.

Quebec's language law restricts access to publicly funded, English language schools through grade 11 to children whose parents were educated in English in Canada and to short-term residents. The Quebec courts heard two cases challenging this law. In June the Montreal Superior Court heard a suit brought against the Quebec government by 10 francophone families for the right to send their children to anglophone schools. Another case was brought by a group whose native tongue is neither French nor English, who alleged that the law restricting English-language schools to children whose parents were educated in English in Canada is discriminatory. At year's end, both cases were pending.

In October three coffeehouses with English names were firebombed, allegedly in an attempt to force them to change their names to French. A man associated with a group that aims to eliminate the use of English in

Quebec was arrested for the bombings and was denied bail prior to his trial.

The English-speaking minority of Quebec, representing 9 percent of the population of the province and 16 percent of the population of the city of Montreal, continues to protest restrictions placed on English-language use. In 1997 the Quebec provincial government reestablished a French-language inspection office that had been abolished in 1993. Quebec's language law also stipulates that French is the working language of most businesses and must predominate in bilingual commercial signage. However, in October 1999, a Quebec court judge struck down a key section of the province's language law that requires French lettering to be twice as large as English lettering on commercial signs, stating that French is no longer in jeopardy in Quebec. In April the Quebec Superior Court overturned the lower court decision, ruling that the lower court erred by finding that the Quebec government had the burden of proving that French is still in jeopardy in Quebec. The Superior Court stated that the lower court should have found that the defendant had the burden of proving that French is no longer in jeopardy in Quebec. The defendant has appealed the Superior Court ruling. English speakers also expressed concern over the increasing scarceness of health services and public schooling in their language.

Provinces other than Quebec often lack adequate French-language schooling and health services, which is of concern to local francophones, although French-language schools and French immersion programs are reported to be thriving in all three prairie provinces.

Section 6 Worker Rights

a. The Right of Association

Except for members of the armed forces, workers in both the public and private sectors have the right to associate freely. The Labor Code protects these rights for all employees under federal jurisdiction, while provincial legislation protects all other organized workers.

Trade unions are independent of the Government. Of the civilian labor force, approximately 29.5 percent is unionized.

All workers have the right to strike, except for those in the public sector who provide essential services. The law prohibits employer retribution against strikers and union leaders, and the Government enforces this provision.

Labor action, including strikes, occurred throughout the country during the year. Notable strikes included: Inside Workers strike by clerical staff, social-work staff, tax collectors, health inspectors, and public nurses in the city of Toronto, nurse and federal prison guard strikes in Alberta, and forestry and hotel worker strikes in British Columbia.

Unions are free to affiliate with international organizations.

b. The Right to Organize and Bargain Collectively

Workers in both the public (except for some police) and the private sectors have the right to organize and bargain collectively. While the law protects collective bargaining, there are limitations, which vary from province to province, for some public sector workers providing essential services.

The law prohibits antiunion discrimination and requires employers to reinstate workers fired for union activities. There are effective mechanisms for resolving complaints and obtaining redress.

All labor unions have full access to mediation, arbitration, and the judicial system.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

Forced labor, including that performed by children, is illegal, and it generally does not occur; however, women and children were trafficked for the purposes of commercial sexual exploitation (see Sections 5, 6.d, and 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

Child labor legislation varies from province to province. The Federal Government does not employ youths under 17 years of age while school is in session. Most provinces prohibit children under age 15 or 16 from working without parental consent, at night, or in any hazardous employment. These prohibitions are enforced effectively through inspections conducted by the federal and provincial labor ministries. Education is compulsory nationwide through age 15 or 16, depending upon the province.

The Government prohibits forced and bonded child labor and generally enforces this prohibition effectively; however, children were trafficked for purposes of commercial sexual exploitation (see Sections 5, 6.c., and 6.f.).

e. Acceptable Conditions of Work

Standard work hours vary from province to province, but in all provinces the limit is 40 or 48 a week, with at least 24 hours of rest.

Minimum wage rates are set in each province and territory, and range from \$3.65 to \$4.77 (Can \$5.50 to Can \$7.20) per hour. Ontario and Alberta have a minimum wage rate for youths lower than their respective minimums for adult workers. The minimum wage does not provide a decent standard of living for a worker and family. A family whose only employed member earns the minimum wage would be considered below the poverty line.

Federal law provides safety and health standards for employees under federal jurisdiction, while provincial and territorial legislation provides for all other employees. Federal and provincial labor departments monitor and enforce these standards. Federal, provincial, and territorial laws protect the right of workers with "reasonable cause" to refuse dangerous work and to remove themselves from hazardous work conditions.

f. Trafficking in Persons

The law does not prohibit trafficking in persons; however, the Government prosecutes such offenses as violations of immigration policies. The Government is conducting a legislative review of the Immigration Act and introduced legislation that specifically makes trafficking an offense punishable by fine or imprisonment, but the Senate had not passed it by year's end. The country is primarily a transit and destination point for trafficking in persons. There have been several widely reported cases of smuggling and trafficking, including hundreds of Chinese who arrived illegally by ship in British Columbia during the summer of 1999 (see Section 2.d.).

Press reports indicate that over the past 10 years almost 15,000 Chinese have entered Canada illegally. Many of these illegal immigrants have paid large sums to be smuggled to Canada and are indentured to their traffickers upon arrival. Almost all work at lower than minimum wage and use most of their salaries to pay down their debt at usurious interest rates. The traffickers (snakeheads) use violence to ensure that their clients pay and that they do not inform the police.

Asian women and girls who are smuggled into Canada often are forced into the sex trade. Traffickers use intimidation and violence, as well as the illegal immigrants' inability to speak English, to keep these victims from running away or informing the police.

Vancouver and Toronto serve as hubs for organized crime groups that deal in trafficking in persons, including trafficking for prostitution. East Asian crime groups have targeted Canada, and Vancouver in particular, because of lax immigration laws, benefits available to immigrants, and the proximity to the U.S. border.

Canadian and Honduran officials are investigating the ongoing problem of Honduran youths being smuggled into Canada who are being used by Honduran drug traffickers to sell drugs. In January Canadian authorities arrested dozens of small-time Central American drug dealers including many Honduran minors. In February the press reported that Honduran authorities were working to repatriate those minors.

[End.]