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Canada

Country Reports on Human Rights Practices - [2005](#)

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Canada, with a population of 32.8 million, is a constitutional monarchy with a federal parliamentary form of government. Elections were held in June 2004, and until dissolution of parliament on November 29, Prime Minister Paul Martin led a minority Liberal government. Federal elections were scheduled for January 23, 2006. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens, and the law and judiciary provide effective means of addressing individual instances of abuse. The following human rights problems were reported:

- harassment of religious minorities
- violence against women
- trafficking of persons to and from the country

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

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 there were no reports that government officials employed them. However, in September the Royal Canadian Mounted Police (RCMP) began investigating allegations of brutality in the arrest and imprisonment in the Natuashish community of northern Labrador of an indigenous man with a broken arm who was left overnight in a police station without medical attention; the investigation was pending at year's end.

The Winnipeg police and the Law Enforcement Review Agency investigated allegations of physical abuse of a person with a criminal history who was arrested on September 23. The police claimed that the suspect, whose injuries necessitated hospital treatment, were the result of an accidental fall at the police station. The investigation remained pending at year's end.

Prison and Detention Center Conditions

Prison conditions generally met international standards, and the government permitted visits by independent human rights observers.

In February Correctional Service Canada began addressing the 19 recommendations made in the January 2004 Canadian Human Rights Commission report, which identified systemic flaws that routinely eroded the human rights of women in prison. Several of the recommendations have been implemented, including a reevaluation of staffing and a needs assessment for federally sentenced women.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

The RCMP is an effective national, federal, provincial, and municipal policing body. It provides complete federal policing service throughout the country and also provides policing services under contract to the 3 territories, 8 provinces (Quebec and Ontario have their own provincial police), approximately 198 municipalities, and, under 172 individual agreements, 192 indigenous communities. The RCMP has internal review mechanisms; corruption and impunity were not problems.

Arrest and Detention

Authorities generally apprehended persons openly with warrants. A judge may issue a warrant after being satisfied that a criminal offense may have been committed. A person arrested for a criminal offense has the right to remain silent, to be informed as to the reason for the arrest, to engage a lawyer, and to have prompt access to family members. Bail generally was available.

In December 2004 the Federal Court of Appeal affirmed that it was constitutional for the government to arrest and detain, without public trial, noncitizens who pose a threat to national security. Cases are presented in secret to two cabinet ministers by intelligence or police agencies and then reviewed by a federal judge. The evidence generally is not shown to the detained individual. If the judge approves the ministers' recommendation, the individual may be imprisoned indefinitely, pending deportation proceedings. This procedure has been used 27 times since 1991. As of October, pursuant to this procedure, four individuals were incarcerated awaiting deportation; two other detainees were conditionally released, subject to the administrative deportation process.

There were no reports of political detainees.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected this provision in practice. The law provides for the right to a fair trial, and an independent judiciary generally enforced this right.

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.

Trial Procedures

The judicial system is based on English common law at the federal level as well as in most provinces; in Quebec Province, 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 may appeal in certain limited circumstances.

An Ontario law permits Islamic organizations to hold tribunals in which marriage, family, and business disputes could be settled according to Shari'a law. The tribunals were voluntary, and decisions had to comply with the Charter of Rights and Freedoms and could be appealed to the court system. On September 11, Ontario's premier announced his government's intention to end civil endorsement of religious arbitration decisions in the province, and on November 15, the Ontario attorney general introduced legislation to end religious arbitration in family matters. On May 26, the National Assembly of Quebec passed legislation prohibiting the use of Islamic courts and Shari'a law in Quebec.

Political Prisoners

There were no reports of political prisoners.

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

The law prohibits such actions, and the government generally respected these prohibitions in practice.

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 generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and the press. The independent media were active and expressed a wide variety of views without restriction.

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. It also 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.

Inciting hatred (in certain cases) or genocide is a criminal offense, but the Supreme Court has set a high threshold for such cases, specifying that these acts must be proven to be willful and public. The Broadcasting Act prohibits programming containing any abusive comment that would expose individuals or groups to hatred or contempt. Provincial-level film censorship, broadcast licensing procedures, broadcasters' voluntary codes curbing graphic violence, and laws against hate literature and pornography also imposed some restrictions on the media.

In early May Toronto police charged a man with two counts of promotion of hatred that stemmed from nonviolent incidents of targeting Muslims, Arabs, and Jews between June and October 2004 at Ryerson University. He was charged with spray painting anti-Muslim graffiti in the multifaith prayer room on campus and anti-Semitic graffiti elsewhere around the university campus.

On July 8, a Saskatoon court found the former leader of the Assembly of First Nations guilty of willfully promoting hatred against Jews under the hate propaganda provisions of the Criminal Code and fined him \$850 (Cdn \$1 thousand). The charges stemmed from remarks made in a 2002 public address to the Federation of Saskatchewan Indian Nations. The case remained under appeal at year's end.

On September 1, the Federal Court of Appeal upheld the Canadian Radio-Television and Telecommunications Commission's July 2004 decision denying a renewal of a Quebec City radio station's broadcasting license. The general public had filed numerous complaints alleging that announcers on the station used offensive comments, personal attacks, and harassment as part of their programming. The station, which fired the talk show host, asked the Supreme Court to overturn the appeals court ruling. The station remained on the air, pending a supreme court ruling on whether to hear the case.

There were no government restrictions on the Internet or academic freedom.

b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly and association, and the government generally respected these rights in practice.

c. Freedom of Religion

The law provides for freedom of religion, and the government generally respected this right in practice.

There is no official state religion, and religious groups are not required to register with the government. Public funding for Roman Catholic schools is constitutionally protected in the country's original four provinces.

There was litigation concerning prohibitions against the wearing of *kirpans* (ceremonial daggers) by Sikhs; cases were often settled out of court. The rationale for the prohibitions involved security concerns rather than religious discrimination. A case brought by a Sikh elementary student in Montreal, who was prohibited from wearing his *kirpan* at school, remained pending in the Supreme Court at year's end. In early 2004 the Quebec Court of Appeal had overturned a 2002 Quebec Superior Court ruling that permitted the student to wear his *kirpan* to school.

In September and October, a Sikh law student was twice prohibited from riding on national rail carrier trains because he was wearing a *kirpan*. Company officials, responding to another passenger's complaint and referring to its baggage policy that bans weapons, required that the Sikh passenger disembark. Company policy makes no exceptions for religious symbols. The student's appeal to the Ontario Human Rights Commission for redress remained pending at year's end.

Societal Abuses and Discrimination

There were a number of reports of harassment of religious minorities.

Approximately 1.1 percent of the population is Jewish. The League for Human Rights of B'nai Brith received 857 reports of anti-Semitic incidents in 2004, compared with 584 such reports in 2003. Incidents included harassment (53 percent of incidents), vandalism of property (43 percent), and violence (4 percent). The group expressed concern about a resurgence in neo-Nazi activity. In December, on the eve of Chanukah, Beth Shalom Synagogue in Edmonton was spray-painted with a swastika and the acronym ZOG (Zionist Occupied Government). The press reported that the provincial police hate crimes unit was investigating.

On January 19, one of the main suspects in the April 2004 firebomb attack on a Montreal Jewish elementary school was sentenced to 40 months in prison minus time served. The convict's mother also faced trial on charges of being an accessory after the fact. Letters attached to the front of the school claimed that the attack was linked to the March 2004 killing of Hamas founder Sheik Ahmed Yassin in Gaza.

Three men were convicted of vandalism in connection with a north Toronto crime spree in 2004 that included the desecration of Jewish cemeteries, schools, and synagogues. Two minors and one adult offender were sentenced to two years of probation plus community service.

On February 16, a Toronto court sentenced a man to life imprisonment without a chance of parole for at least 15 years for the 2002 murder in Toronto of an Orthodox Jew, an incident in which the perpetrator uttered anti-Jewish epithets prior to the attack.

According to the Council of American-Islamic Relations Canada's June 8 report *Presumption of Guilt: A National Survey on Security Visitations of Canadian Muslims*, there was increasing concern in the Muslim community about visits by security officials, both at home and in workplaces. According to the report, authorities made a disproportionate number of visits to Arab males between the ages of 18 and 35. The report detailed seven specific cases in which security officials were alleged to have discouraged legal representation, failed to provide proper identification, or used threats and threatening behavior in the course of their interviews. These and other activities raised allegations of religious profiling. The report remained under federal government consideration at year's end.

The government urged the population to refrain from prejudice against Muslims or other persons on the basis of their religious beliefs, ethnic

heritage, or cultural differences. Police forces investigated and discouraged anti-Muslim actions.

For a more detailed discussion, see the [2005 International Religious Freedom Report](#)

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

The law provides for these rights, and the government generally respected them in practice.

The law prohibits forced exile, and the government did not use it.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, the 1966 International Covenant on Civil and Political Rights, and the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The government has established a system for providing protection to refugees. The government granted refugee status or asylum. The government cooperated with the office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers. As of September 30, approximately 16,208 individuals either in the country or abroad were resettled and given refugee status.

In practice the government provided protection against *refoulement*, the return of persons to a country where they feared persecution. The government offered alternatives to refugee claimants whose cases have been refused by the Immigration and Refugee Board. The option for judicial review through the federal court exists, although the government delayed establishing the Refugee Appeal Division called for in the 2002 Immigration and Refugee Protection Act. Two other remedies of last resort are available through Citizenship and Immigration-Canada. They include the initiation of a "pre-removal risk assessment" process as well as an appeal to the minister for citizenship and immigration services for a waiver based on humanitarian and compassionate grounds.

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

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

Elections and Political Participation

In the free and fair multiparty June 2004 general election the ruling Liberal Party maintained control of parliament for the fourth consecutive election. Since it did not win a majority of seats, the Liberal Party formed a minority government. Federal elections were scheduled for January 23, 2006.

Prior to the dissolution of parliament on November 29, there were 65 women and 6 indigenous people (Inuit, North American Indian, or Metis) in the 308-member House of Commons. There were 38 women and 8 indigenous members in the 105-seat Senate (whose members are appointed by the government, and not elected, and in which there 93 members at year's end). Women held 9 seats in the 39-person cabinet. The governor general and four of the nine members of the Supreme Court, including the chief justice, were women.

Government Corruption and Transparency

The nongovernmental organization (NGO) Transparency International reported that corruption was not perceived as a problem, although the perception of corruption has increased markedly over the past 10 years.

There were isolated reports of government corruption during the year, and there was concern about the lack of enforcement of whistleblower legislation. Career civil servants found to be engaged in malfeasance of any kind were removed from office and prosecuted.

On November 1, an independent commission appointed by the prime minister, the Commission of Inquiry into the Sponsorship Program and Advertising Activities or Gomery Commission, released the first part of its two-part report. The report established that nearly half of the \$309 million (Cdn \$355 million) in federal funds authorized to promote federal Canada in Quebec from 1996 to 2001 was paid in commissions and fees to advertising agencies, many allied with the Quebec branch of the federal Liberal Party, and that up to \$87 million (Cdn \$100 million) was inappropriately channeled to the Liberal Party of Canada's Quebec operations. The report criticized former prime minister Jean Chretien and his chief of staff but cleared them of direct involvement in kickback schemes. Several senior advertising executives were charged with fraud, and some former and current Liberal Party officials were forced to resign. Former prime minister Chretien's appeal to have the findings of the report invalidated remained pending at year's end.

The Gomery Commission findings prompted extensive media coverage, tarnished the reputation of the government, especially in Quebec, and led to the conviction of one Montreal advertising executive, while trials for others remained pending. In May the businessman pled guilty to defrauding the federal government of \$1.35 million (Cdn \$1.55 million) and was sentenced to two years less a day, to be served in the community, rather than in jail. A government appeal on the leniency of the sentence remained pending.

The law permits public access to government information by citizens and noncitizens, including foreign media. Pursuant to the January 2004 initiative to improve transparency in government that included the releasing on a quarterly basis the public expenditures of senior

government officials, the government published expense information on individual ministerial Web sites and on a centralized Web site.

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

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were very cooperative and responsive to their views.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law provides for equal benefits and protection of the law regardless of race, gender, national or ethnic origin, age, or mental or physical disability; these rights generally were respected in practice.

In July the law extended equal access to civil marriage to same-sex couples. Previously, eight provincial courts and one territorial court found that the opposite-sex requirement for civil marriage was discriminatory and violated the Charter of Rights and Freedoms.

Women

Although prohibited by law, violence against women, including spousal abuse, remained a problem. The government's statistical office reported that there were 73.7 sexual assaults per 100 thousand population in 2004, down from 74.1 in 2003.

The 2004 General Social Survey estimated that 7 percent of citizens 15 years of age or over in a current, previous, or common-law union experienced spousal violence in the previous 5 years, a figure unchanged from its 1999 survey. Four percent of both men and women in current marital or common-law relationships experienced either physical or sexual violence from their partner. Indigenous (aboriginal) people were three times more likely to be victims of spousal violence than nonindigenous people. The rate of spousal violence among those who are gay or lesbian was twice that of the reported violence experienced by heterosexuals. Women were more likely than men to report that they were injured as a result of the violence (44 versus 18 percent).

Persons convicted of sexual abuse may be penalized with up to 10 years in prison. Sexual assaults involving weapons, threats, injuring, or endangerment of life carry sentences up to life imprisonment.

There were more than 500 shelters for abused women, which provided both emergency care and long-term assistance. The government's family violence initiative involving 12 departments and a cabinet ministry, Status of Women Canada, was charged with eliminating systemic violence against women and advancing women's human rights.

In September Amnesty International reported that there were no changes to its 2004 findings that the government failed to provide indigenous women with adequate protection and that the precarious social and economic status of indigenous women pushed them into dangerous situations including poverty, homelessness, and prostitution.

Prostitution is legal, but the law prohibits pimping (benefiting from the earnings of prostitution of another) and operating, being found in, or working in a brothel.

Women were trafficked for purposes of sexual exploitation (see section 5, Trafficking).

The law prohibits criminal harassment (stalking) and makes it punishable by up to 10 years' imprisonment. The law does not contain a specific offence of "sexual harassment" but contains criminal prohibitions that may be applicable in addressing this conduct, such as criminal harassment and sexual assault. Penalties for sexual assault vary, depending on the offence, and range from 10 years' imprisonment for nonaggravated sexual assault and up to life imprisonment for aggravated sexual assault. Most harassment cases were settled out of court. The government generally enforced this prohibition.

Women were 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. Women have marriage and property rights equal to those of men.

Children

The government demonstrated its 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. The UN Children's Fund reported that 100 percent of elementary-age children attended school; high school was the highest level completed by most children. Federal and provincial regulations protect children from abuse, overwork, and discrimination and penalize perpetrators of such offenses.

According to the 2004 General Social Survey, children and youth under the age of 18 accounted for 21 percent of victims of physical assault and 61 percent of victims of sexual assault, while representing 21 percent of the population. In 40 percent of the cases, parents were the ones accused of sexual assault against children and youth.

Children were trafficked for purposes of sexual exploitation (see section 5, Trafficking).

Trafficking in Persons

Although the law prohibits trafficking in persons, there were reports that persons were trafficked to, from, and within the country.

In November the government amended the criminal code to make trafficking in persons a specific criminal offense and prohibit global trafficking in persons, benefiting economically from trafficking in persons, and withholding or destroying documents to facilitate trafficking in persons. The 2002 Immigration and Refugee Protection Act (IRPA) establishes criminal penalties of up to life in prison and fines of up to \$870 thousand (Cdn \$1 million) for convicted cross-border traffickers. The government prosecutes all forms of trafficking, including kidnapping, forcible confinement, uttering threats, sexual assault, prostitution-related offenses, and extortion.

On April 14, Vancouver police brought the first case under IRPA against the owner of a massage parlor who was charged with two counts of human trafficking for bringing women into the country under false pretenses and coercing them into prostitution. The case was pending at year's end.

During the 12-month period ending in February, authorities charged at least 31 individuals under the criminal code with trafficking-related offenses and obtained 19 convictions.

The government has an interdepartmental working group, consisting of 17 departments and agencies and co-chaired by senior officials from the Ministries of Justice and Foreign Affairs, to combat trafficking in persons. In September the government designated RCMP members for their newly renamed Human Trafficking National Coordination Center that coordinates domestic trafficking efforts with six RCMP immigration and passport regional offices.

Through agencies such as Interpol, the government has created mechanisms to assist other countries with criminal investigations of trafficking cases.

The country was a destination and a transit point to the United States for women, children, and men trafficked for purposes of sexual exploitation, labor, and the drug trade. In its February 2004 assessment, the RCMP indicated that 800 persons were trafficked annually into the country, and 1,500 to 2,200 persons were trafficked from the country to the United States. While the country was not a significant point of origin for trafficked persons, there was anecdotal evidence of women from the country coerced or kidnapped and forced into prostitution in the United States.

Thousands of persons entered the country illegally over the last decade. These persons came primarily from East Asia (particularly China and Korea, but also Malaysia), Central and South Asia, Eastern Europe, Russia, Latin America and the Caribbean (including Mexico, Honduras, and Haiti), and South Africa. Many of these illegal immigrants paid large sums to be smuggled to the country, were indentured to their traffickers upon arrival, worked at lower than minimum wage, and used most of their salaries to pay down their debt at usurious interest rates. The traffickers used violence to ensure that their clients paid and that they did not inform the police. Asian women and girls who were smuggled into the country often were forced into prostitution. Traffickers used intimidation and violence, as well as the illegal immigrants' inability to speak English, to keep victims from running away or informing the police.

Vancouver and Toronto served as hubs for organized crime groups that trafficked in persons, including for prostitution. East Asian crime groups targeted the country, Vancouver in particular, exploiting immigration laws, benefits available to immigrants, and the proximity to the US border.

Trafficking victims in the country illegally may avail themselves of laws and regulations to remain in the country temporarily or permanently. These include temporary resident permits which an applicant may use as the basis for permanent residence, refugee protection claims, stays of removal, applications for humanitarian and compassionate consideration, and preremoval risk assessments. However, strong anecdotal evidence suggests that some victims of trafficking were arrested and deported.

Although the government did not specifically provide funding to assist trafficking victims, such victims could access a number of programs and services, ranging from health care to legal assistance. Victims of trafficking were eligible to apply for assistance from victims' assistance funds maintained by the provincial governments.

The government's Interdepartmental Working Group on Trafficking in Persons, the policy development body for the federal government, trained officials to increase awareness about trafficking. The group also produced, translated into 14 languages, and distributed an antitrafficking pamphlet to the country's diplomatic missions and to NGOs with access to potential victims in source countries. In addition, the government supported efforts by NGOs and community organizations to raise awareness of trafficking and funded academic studies of the problem.

Persons with Disabilities

There was no legal discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services. Sexual exploitation of persons with disabilities in situations of dependency is a criminal offense. The law mandates access to buildings for persons with disabilities, and the government generally enforced these provisions in practice.

The federal, provincial, and territorial governments share responsibility for protecting the rights of persons with disabilities. The Office for

Disability Issues is the federal government's focal point for protecting the rights of persons with disabilities.

National/Racial/Ethnic Minorities

The Charter of Rights and Freedoms protects the linguistic and cultural rights of minorities and establishes English and French as the country's two official languages. Despite the federal policy of bilingualism, English speakers in Quebec (9 percent of the province's population) and French speakers in other parts of the country generally lived and worked in the language of the majority. The provinces may grant French or English the status of an official language. Only New Brunswick has granted the two languages equal status. The Charter of the French Language in Quebec makes French the official language of the province and requires the use of French in commerce, the workplace, education, and government. Minority language rights are secured by law in Quebec's Charter of the French Language.

The Charter of the French Language restricts access to publicly funded English education to those students who did most of their elementary or secondary studies in English in the country. The law also permits English language education for those students with a brother or a sister who did most of their elementary or secondary studies in English in the country or for students whose father or the mother did most of his or her studies in English in the country. Quebec law also grants access to publicly funded English education to those students whose parents are residing temporarily in the province on a student or work authorization or who have diplomatic status. On March 31, the Supreme Court ruled that Francophones in Quebec have no constitutional right to publicly funded English language education but stipulated that immigrants and families from other provinces who have moved to Quebec may access English language schools by obtaining a waiver.

Indigenous People

The law recognizes three different groups of indigenous people (aboriginals): Indians (generally called First Nations), Inuit (formerly called Eskimos), and Metis (persons of mixed Indian-European ancestry). According to the 2001 census, indigenous people constituted approximately 3.3 percent of the national population and higher percentages in the country's three territories: Yukon, 22.9 percent; Northwest Territories, 50.5 percent; and Nunavut, 85 percent. 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 some reserves. Indigenous people remained 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 law recognizes and specifically protects indigenous rights, including those established by historical land claims settlements. Historical treaties with indigenous groups in the eastern part of the country form the basis for the government's policies there, but there were legal challenges to the government's interpretation of treaty rights. Indigenous groups in the west that never signed historical treaties continued to claim land and resources, and many continued to seek legal resolution of outstanding issues. As a result, the evolution of the government's policy toward indigenous rights, particularly land claims, was linked closely to legal challenges, including 45 supreme court decisions.

On May 31, the government and leaders of the five national indigenous organizations agreed on a plan to use the \$609 million (Cdn \$700 million) that the government had committed in September 2004 to encourage greater aboriginal participation in the health professions, address chronic diseases such as diabetes, and create a health transition fund to adapt existing health care services to aboriginal needs. At a follow-up November 24-25 meeting of provincial premiers, cabinet ministers, and leaders of the five national indigenous groups, the federal government committed an additional \$4.35 billion (Cdn \$5 billion) over 5 years to support programs in education, housing and infrastructure, relationships and accountability, economic opportunities, and health.

In June parliament approved a land claims agreement among the federal government, the Newfoundland and Labrador provincial government, and the Inuit Association that defined rights, territory, and economic development initiatives in northern Labrador.

On July 20, the Supreme Court ruled that indigenous people in New Brunswick and Nova Scotia did not have the right to exploit natural resources on the provinces' crown lands or have aboriginal title to those lands. Nonetheless, the New Brunswick provincial government continued to work with the province's 15 indigenous communities by negotiating agreements on timber harvesting, sale, and royalty agreements.

On November 20, the government reached a multifaceted agreement with interested parties regarding cases of past institutional abuses of indigenous children (now adults) in residential institutions. The government agreed to allocate \$1.65 million (Cdn \$1.9 million) to compensate indigenous individuals for abuses that occurred in Indian residential schools. As many as 86 thousand former students may be eligible for payments of \$8,700 (\$10 thousand) plus \$2,600 (Cdn \$3 thousand) per year spent in the school. Additional payments could be awarded as a result of a new alternative dispute resolution process for those who choose to pursue that option. Payments could begin in early 2006. The settlement also provides for the establishment of national truth and reconciliation process to promote public education and awareness about the Indian residential school system.

The government continued the process of claim settlements and self-government negotiations with more than 350 First Nations communities.

There were no reported developments in the 2004 case pending before the Supreme Court on whether the government violated indigenous treaty rights in authorizing a road through the country's largest national park or in the 2002 case involving a claim by the Gitanyow indigenous group in northwestern British Columbia that a treaty had awarded much of their tribal lands to the neighboring Nisga'a people.

Section 6 Worker Rights

a. The Right of Association

The law allows workers in both the public (except armed forces and police) and the private sectors to form and join unions of their choice without previous authorization, and workers did so in practice.

Trade unions are independent of the government. Thirty percent of the civilian labor force held union memberships.

a. The Right to Organize and Bargain Collectively

The law protects collective bargaining, and collective agreements covered approximately 32 percent of the civilian labor force. All workers, except for those in the public sector who provide essential services, have the right to strike, and workers exercised this right in practice. The law prohibits employer retribution against strikers and union leaders, and the government generally enforced this provision in practice. There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment

Child labor legislation varies from province to province. The federal government does not employ youths under age 17 while school is in session. Most provinces prohibited children under age 15 or 16 from working without parental consent, at night, or in any hazardous employment. On July 15, the province of Alberta changed its employment standards to allow children age 12 to 14 to work in certain sectors for limited periods of time without a permit from the director of employment standards. The province of British Columbia permits employment of children between age 12 and 14, with the written consent of the child's parent or guardian, and also permits employment of children under age 12, with the permission of the director of employment standards and only in "exceptional circumstances," for instance, in the entertainment industry.

Federal and provincial labor ministries' inspections effectively enforced child labor laws and policies.

e. Acceptable Conditions of Work

Each province and territory set minimum wage rates, which ranged from \$5.13 to \$6.95 (Cdn \$5.90 to \$8.00) per hour. Ontario and Alberta have a minimum wage rate for youths lower than their respective minimums for adult workers. The minimum wage did not provide a decent standard of living for a worker and family.

Standard work hours vary from province to province, but in all provinces the limit is 40 or 48 hours per week, with at least 24 hours of rest. The law requires payment of a premium for work above the standard workweek. There is no specific prohibition on excessive compulsory overtime, which is regulated by means of the required rest periods in the labor code that differ from industry to industry.

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 monitored and enforced these standards. Federal, provincial, and territorial laws protect the right of workers with "reasonable cause" to refuse dangerous work and remove themselves from hazardous work conditions, and authorities effectively enforced this right.

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