



Canada

Country Reports on Human Rights Practices - [2006](#)

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Canada, with a population of 32.8 million, is a constitutional monarchy with a federal parliamentary form of government. In free and fair federal elections held on January 23, the Conservative Party, led by Stephen Harper, won a plurality of seats and formed a minority government. 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. Human rights problems included harassment of religious minorities, violence against women, and trafficking of persons to, from, and within 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.

There were no known developments in an investigation opened by the Royal Canadian Mounted Police (RCMP) in September 2005 concerning allegations of brutality in the arrest and imprisonment of an indigenous man in the Natuashish community of northern Labrador.

The Winnipeg police and the Law Enforcement Review Agency investigations of allegations of physical abuse of a person arrested in 2004 remained pending at year's end.

Prison and Detention Center Conditions

Prison conditions generally met international standards. The government permitted visits by independent human rights observers, and such visits occurred during the year.

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 that reports to the Ministry of Public Safety and Emergency Preparedness. It provides federal police service throughout the country and also provides police services under contract to the three territories, eight provinces (Quebec and Ontario have their own provincial police), approximately 198 municipalities, and 192 indigenous communities. The RCMP, provincial, and local police forces have 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 a prompt judicial determination of the legality of the detention; to timely information as to the reason for the arrest; to a lawyer of his or her choice and, if indigent, to one provided by the state; and to prompt access to family members. Bail generally was available.

In June the Supreme Court heard arguments on an appeal of a 2004 Federal Court of Appeal ruling that it was constitutional for the government to arrest and detain indefinitely noncitizens who pose a threat to national security; the court's decision was pending at year's end. Such 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. In November a suspected Russian intelligence officer was detained pursuant to this procedure and deported the following month. At year's end, three individuals were incarcerated awaiting deportation, and three other detainees had been conditionally released, subject to the administrative deportation process.

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 federal 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 civil law is derived from the Napoleonic Code; however, criminal law is the same nationwide. The government appoints the judges. Trials are public and defendants have a right to have their case heard before a judge alone or, for more serious cases, before a judge and jury. Defendants have the right to be present and to consult with an attorney in a timely manner. An attorney is provided at public expense if needed when defendants face serious criminal charges, and defendants can confront or question witnesses against them and present witnesses and evidence on their behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases. Defendants also enjoy a presumption of innocence and have a right of appeal.

With passage of the Ontario Family Statute Law Amendment Act on February 23, all family law arbitration became subject to civil law, ending civil enforcement of religious arbitration decisions, which had been permitted in Ontario under the 1991 Ontario Arbitration Act.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters. Human rights violations may be heard by the provincial or federal human rights commissions. Remedies can be monetary, declaratory, or injunctive. In general there were no problems enforcing domestic court orders.

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 of the press.

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 has 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, which is the country's bill of rights incorporated in the country's constitution.

In October an Ontario Superior Court justice struck down three measures of the Security of Information Act (SOIA) and admonished the RCMP for abusing its power in a case that arose in 2004 when the police raided the home and office of an Ottawa Citizen journalist in what they stated was an effort to determine the source of sensitive and classified information involving a story the journalist wrote about terrorism-related activities. Lawyers for the reporter and newspaper brought a motion to court to seal the confiscated items and quash the search warrants, stating that they were unconstitutional. The lawyers argued the SOIA does not define the term "secret" and that SOIA provisions criminalizing possession of "secret" government information without authorization were too broad-thus permitting the government to

intimidate and arrest any reporter found possessing leaked government documents. The judge agreed and struck down the provisions. In her ruling, the judge also stated the RCMP abused the process by threatening to charge the journalist if she did not reveal her source, ordered the RCMP to return the material seized, and ordered the government to pay the newspaper's legal costs.

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 impose some restrictions on the media.

On June 8, a Saskatchewan court set aside a July 2005 decision of a Saskatoon court that 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. The charges stemmed from remarks made in a 2002 public address to the Federation of Saskatchewan Indian Nations. On June 19, the Saskatchewan Justice Department announced its plans to appeal the decision to the Saskatchewan Court of Appeal.

There were no developments concerning a Quebec City radio station's appeal to the Supreme Court of a September 2005 Federal Court of Appeal decision that upheld denial of the 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 its programming. The station remained on the air pending a Supreme Court ruling on whether to hear the case.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail. Internet access was readily available and widely used.

The Canadian Human Rights Commission investigates complaints about hate messages on Web sites and may forward cases to the Canadian Human Rights Tribunal for action. In March the tribunal issued a ruling finding that messages posted through a Web hosting service constituted hate under the Human Rights Act. The tribunal ordered the respondents to stop posting hate messages on the Internet and to pay a \$7,135 (Cdn \$8,000) penalty.

In July a federal court jailed a white supremacist for nine months for contempt of court for continuing to post hate messages on the Internet. In late 2005 the federal court ordered him to stop his Internet postings pending resolution of a complaint against him by the Human Rights Commission. In April the tribunal ruled against the individual and fined him \$5,384 (Cdn \$6,000).

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

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.

In March the Supreme Court ruled in favor of a Sikh elementary school student who had been prohibited from wearing his kirpan (ceremonial dagger) to school. The rationale for the prohibition involved security concerns rather than religious discrimination. The Supreme Court, however, upheld a lower court ruling that required the kirpan to be worn under the clothes and sewn into a sheath.

In September and October 2005, a Sikh law student was twice prohibited from riding on national rail carrier trains because he was wearing a kirpan. The carrier's baggage policy bans weapons and makes no exceptions for religious symbols. There were no developments in the student's pending appeal to the Ontario Human Rights Commission for redress.

Societal Abuses and Discrimination

There were a number of reports of harassment of religious minorities, which the government investigated and punished. The Criminal Code and related statutes, the Anti-Terrorism Act, the Canadian Human Rights Act, provincial human rights codes, broadcasting regulations, and other acts seek to counter hate and bias activity, and the government enforced its laws to protect religious freedom and combat discrimination.

Approximately 1.1 percent of the population was Jewish. The B'nai Brith Canada League for Human Rights received 829 reports of anti-Semitic incidents in 2005, a 3.3 percent decrease from 2004. The highest number of reports came from Ontario Province (544 incidents, 418 of which took place in the greater Toronto area), followed by Quebec Province (133 incidents, 127 of which took place in Montreal); approximately 80 percent of the Jewish population resided in these two provinces. B'nai Brith reported significant regional increases in reports received in British Columbia, Alberta, Saskatchewan, and the maritime provinces, whereas both Montreal and Winnipeg showed

significant decreases. The 829 reports included 531 cases of harassment, 273 cases of vandalism, and 25 cases of violence; 167 cases of these cases involved attacks on synagogues, Jewish homes, or communal buildings. Jewish students reported 48 cases of anti-Semitic incidents that occurred on campus, and another 48 involved school settings. The B'nai Brith League also noted a marked increase in Web-based hate, with 161 reports, including 34 cases of targeted hate by e-mail. There were no known developments in the provincial police investigation of a December 2005 incident in which the Beth Shalom Synagogue in Edmonton was spray-painted with a swastika and the acronym ZOG (Zionist Occupied Government).

On June 8, a Saskatchewan court set aside a July 2005 Saskatoon court decision that 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 (see section 2.a.).

On June 27, a Manitoba court sentenced three individuals to prison terms ranging from two years minus one day to three years for the arson destruction of a 105-year-old church; the court also levied one million dollars (C\$1.2 million) against the three as restitution. The individuals, followers of a Norwegian musician jailed for a 1993 murder and for the destruction of several churches in Europe, set the church ablaze on February 12, the Norwegian convict's birthday.

In September a masked perpetrator threw a Molotov cocktail at an Orthodox Jewish boys' school in Montreal. The school sustained limited fire damage and some water damage from the automatic sprinkler system. Since the perpetrator did not leave behind any message or graffiti, the police undertook an arson probe rather than a hate crime investigation; the Canadian Jewish Congress urged the police to treat it as a hate crime.

In September at the start of Ramadan, an arsonist set fire to an Islamic school in Ottawa. No injuries were reported, but the school sustained damaged to its exterior and roof. Since the perpetrator(s) did not leave behind any message or graffiti, the police undertook an arson probe rather than a hate crime investigation; the Council on American-Islamic Relations Canada urged the police to treat it as a hate crime.

Following the June 2 arrests of 17 individuals with Middle Eastern and South Asian surnames in the Toronto area on alleged terrorism charges, several anti-Muslim incidents occurred in various locations, including Montreal and Toronto. On June 9, an individual with a knife threatened an imam outside his mosque in Montreal, leading to the arrest of the alleged attacker. Police charged the individual with armed assault, uttering threats, and possession of a dangerous weapon; the suspect was released on bail while the investigation continued. On June 3, vandals broke windows and damaged cars parked at the Rexdale mosque in northwest Toronto. Police classified the attack as a hate crime and continued their search for the perpetrators while increasing patrols at all mosques in the city to prevent further vandalism. Muslim and non-Muslim community leaders and government officials were among those who urged calm and referred to the acts as "motivated by politics and hatred, not by any religion or faith."

The government urged the population to refrain from prejudice against Jews, Muslims, or other persons on the basis of their religious beliefs, ethnic heritage, or cultural differences. The government's Human Rights Commission is responsible for developing and conducting information programs to foster public understanding of the Canadian Human Rights Act. Provincial human rights commissions perform similar functions for those activities that are not federally regulated. Four provinces (Newfoundland, Nova Scotia, Prince Edward Island, and New Brunswick) officially recognize Holocaust Remembrance Day, while every province conducts a remembrance ceremony attended by national, provincial, and local leaders.

For a more detailed discussion, see the [2006 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 government has established a system for providing protection to refugees, granted refugee status or asylum, and cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

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 were refused by the Immigration and Refugee Board. The option for judicial review through the federal court exists. 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 based on universal suffrage.

Elections and Political Participation

In the free and fair multiparty federal general election on January 23, the Conservative Party took control of Parliament, ending 13 years of Liberal Party rule. The Conservative Party, which did not win a majority of the 308 seats, formed a minority government.

Following the January election, there were 64 women and five indigenous persons in the 308-member House of Commons. There were 34 women and seven indigenous members in the 105-seat Senate (whose members are appointed by the government). Women held six seats in the 27-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 considered a problem.

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

In November 2005 an independent commission appointed by the prime minister, the Commission of Inquiry into the Sponsorship Program and Advertising Activities (known as the Gomery Commission), released the first part of its two-part report. The report established that advertising agencies, many allied with the Quebec branch of the federal Liberal Party, received in commissions and fees nearly half of the federal funds authorized to promote federal Canada in Quebec from 1996 to 2001, and that up to \$87 million (Cdn \$100 million) was inappropriately channeled to the Liberal Party.

On February 1, the Gomery Commission released the second part of its report, which focused on recommendations to restore accountability in government. The commission noted that there was a general lack of transparency concerning government spending at all levels, and its recommendations focused on restoring the balance of power between Parliament and the executive branch to attain better accountability within government. The Gomery Commission findings prompted extensive media coverage, tarnished the reputation of the government, especially in Quebec, and led to the conviction of three persons for defrauding the government.

The law permits public access to government information by citizens and noncitizens, including foreign media. The government released quarterly information on the public expenditures of senior government officials and also 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 cooperative and responsive to their views.

On September 18, a government commission of inquiry released a report on government actions relating to a dual Canadian-Syrian citizen, Maher Arar, who claimed he was tortured while in Syrian custody after he was deported there by the United States in 2002. While the commission of inquiry found no evidence of government participation in the decision to detain or deport Arar, it concluded that the RCMP provided inaccurate information that very likely may have contributed to those decisions. The commission also recognized that it did not have access to all the information available to the United States. The commission's report included recommendations to prevent a similar occurrence and a review of RCMP practices.

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, language, social status, or disability; the government effectively enforced these rights.

A July 2005 law extended equal access to civil marriage to same-sex couples.

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 100,000 persons in 2004, down from 74.1 in 2003, while the 2004 homicide rate related to domestic violence was 0.71 per 100,000 couples.

The law prohibits domestic violence: although the Criminal Code does not define specific domestic violence offenses, an abuser can be charged with an applicable offense, such as assault, intimidation, mischief, or sexual assault. Persons convicted of assault may be penalized with up to five years in prison. Assaults involving weapons, threats, injuries, or endangerment of life carry sentences up to 14 years in prison. Sexual abuse may be penalized with up to 10 years in prison. Sexual assaults involving weapons, threats, injuries, or endangerment of life carry sentences up to life imprisonment.

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 five years. Approximately 4 percent of men and women in current marital or common-law relationships experienced physical or sexual violence committed by 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 were 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 percent compared with 18 percent).

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.

The Amnesty International 2006 Report noted that there were continuing high levels of discrimination and violence against indigenous women and criticized officials for failing to advance a national strategy. The report specifically pointed out that police responses to threats against indigenous women's lives were inconsistent and inadequate.

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 offense 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 offense, and range from 10 years' imprisonment for nonaggravated sexual assault to life imprisonment for aggravated sexual assault. The government generally enforced these prohibitions. Most harassment cases were settled out of court.

Women were well represented in the labor force, including business and the professions. According to Statistics Canada, 67 percent of women were employed in the workforce in April. 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 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.

The criminal code makes trafficking in persons a specific criminal offense and prohibits global trafficking in persons, benefiting economically from trafficking in persons, and withholding or destroying documents to facilitate trafficking in persons. The Immigration and Refugee Protection Act (IRPA) establishes criminal penalties of up to life in prison and fines of up to \$870,000 (one million Canadian dollars) 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.

In April 2005 Vancouver police brought the first case under IRPA against the owner of a massage parlor whom they charged with two counts of human trafficking for bringing women into the country under false pretenses and coercing them into prostitution. There were no new developments in this case, which remained pending at year's end.

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.

Through agencies such as Interpol, the government created mechanisms to assist other countries with criminal investigations of trafficking cases and cooperated with law enforcement authorities in neighboring and source countries.

The country is a source, transit point, and destination for men, women, and children trafficked for the purposes of labor and sexual exploitation. In 2004 the RCMP estimated that 600 to 800 persons were trafficked into the country annually and that an additional 1,500 to 2,200 persons were trafficked through the country into the United States. Women and children were trafficked from Africa, Central and South America, Eastern Europe, and Asia for sexual exploitation. Most trafficking victims come from source countries in Asia, including South Korea, Thailand, Cambodia, Malaysia, and Vietnam. On a lesser scale, men, women, and children were trafficked for forced labor. Some Canadian girls and women were trafficked internally for commercial sexual exploitation.

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.

In May the government issued guidelines that defined the status of trafficking victims and offered avenues for victims assistance. Under these guidelines officials may grant a temporary residence permit of 120 days (or longer, in special meritorious cases) to provide a reflection period for the victim and an investigative window for law enforcement to determine whether there is enough evidence to pursue a trafficking case. During this 120-day period, immigration officials determine whether a longer residency period of up to three years may be warranted. Nonetheless, NGOs reported anecdotal evidence that some victims of trafficking were arrested and deported. The RCMP implemented a law enforcement training program to sensitize officers about trafficking realities, to help identify potential trafficking victims, and to provide information about implementing the new guidelines.

In addition to legal status under a temporary residence permit, trafficking victims have access to federally funded emergency medical services, including psychological and social counseling. In addition, they are able to access a number of other programs and services such as legal assistance. Finally, victims of trafficking are 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

The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, or the provision of other state services, and the government effectively enforced these prohibitions. Sexual exploitation of persons with disabilities in situations of dependency is a criminal offense. The government effectively implemented laws mandating access to buildings for persons with disabilities.

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 or whose immediate relative did. Francophones in Quebec have no constitutional right to publicly funded English language education, but immigrants and families from other provinces who have moved to Quebec may access English language schools by obtaining a waiver.

In June the prime minister offered a full apology for the head tax imposed on Chinese immigrants who entered the country between 1885 and 1923, and Newfoundland until 1949. In addition, the estimated 20 Chinese-Canadians from this group or their spouses still living were promised a \$17,853 (Cdn \$20,000) ex gratia payment. The government undertook to establish two other funds worth approximately \$30.3 million (Cdn \$34 million) for community projects and education programs.

Indigenous People

The law recognizes three different groups of indigenous people: 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.

In February aboriginal protesters took over a construction site in southern Ontario on disputed land claimed by the Six Nations of the Grand

River reserve. The dispute originated from an agreement in the 1840s in which the Six Nations claims that it leased the land to the provincial government. The provincial government, however, claimed the land was purchased and eventually resold. Protesters ignored a court injunction ordering them to vacate the site, and Ontario authorities did not enforce it. In June the Ontario government announced it had purchased the disputed land from the developer but its fate remained uncertain. The dispute and occupation continued at year's end; on several occasions protesters and local residents resorted to violence, although no one was killed or seriously injured.

In April the government reached an agreement to compensate 80,000 aboriginals who attended government-financed residential schools where many suffered physical and sexual abuse. Negotiators representing the government, aboriginal peoples, and several churches that ran the schools agreed that nearly \$1.8 billion (Cdn \$2 billion) would be paid out in damages. Payments were scheduled to begin in 2007 but may be accelerated for the elderly and the sick. The agreement allotted payments of about \$17,853 (Cdn \$20,000) to each of the 80,000 former students. An additional \$107 million (Cdn \$120 million) will be allotted to a foundation to promote traditional native healing therapies and to establish a truth and reconciliation commission to hear testimony from victims and possibly perpetrators.

The annual report of the government's corrections ombudsman, released in October, charged that the federal government discriminated against aboriginal prisoners by putting a disproportionate number in maximum-security penitentiaries and segregation, keeping them jailed longer, and failing to provide proper programs to help them readjust to society after release. The report noted that aboriginal people make up only 2.7 percent of the country's population but accounted for 18.5 percent of the federal prison population. The ombudsman attributed the higher rate of recidivism in part to the Correctional Service's failure to manage aboriginal inmates in a culturally responsive and non-discriminatory manner.

In 2005 the government agreed with five national indigenous organizations to commit \$4.96 billion (\$Cdn 5.7 billion) over five years to support programs in such areas as education, housing, and health care; however, in May the new government budgeted only a portion of the amount pledged for 2007-08.

In August a court in Ontario ordered a mining exploration company to suspend its exploration activities after an aboriginal group claimed the exploration area lay on disputed land and that the community was never adequately consulted on the project. The judge stressed that indigenous people must be consulted and their views accommodated in any plans that could affect their land claims.

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

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. Approximately 30 percent of the civilian labor force held union membership.

b. 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. The province of Alberta allows children age 12 to 14 to work in certain sectors for limited periods of time without a permit from the director of employment standards. 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 sets minimum wage rates, which ranged from \$5.88 to \$7.46 (Cdn \$6.50 to Cdn \$8.25) 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. In 2005 a family of four with a before-tax income of \$28,749 (C\$32,345) would have been living below the poverty line.

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.