



Canada

Country Reports on Human Rights Practices - [2007](#)

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Canada, with a population of 33.1 million, is a constitutional monarchy with a federal parliamentary form of government. In free and fair multiparty federal elections held in January 2006, 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.

On several occasions police employed taser weapons with lethal effect. In August Jason Doan died in Red Deer, Alberta, after police stunned him with a taser weapon. Calgary police reviewed the incident. In October Robert Dziekanski died at Vancouver International Airport after officers of the national Royal Canadian Mounted Police (RCMP) used a taser at least twice to subdue him. The Commission for Public Complaints Against the RCMP (a civilian oversight body), the RCMP, and provincial authorities opened investigations into Dziekanski's death. On December 12, the commission recommended that the RCMP restrict its use of tasers, reclassify them as "impact weapons" for use only when there is a threat of death or grievous bodily harm to officers or to the public, and improve accountability on their use. In response the RCMP undertook to limit and redefine the use of tasers and improve reporting protocols.

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 was no apparent progress in an investigation opened by the RCMP in 2005 concerning allegations of brutality in the arrest and imprisonment of an indigenous man in the Natuashish community of northern Labrador.

Prison and Detention Center Conditions

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

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

Civilian authorities maintained effective control over the RCMP and provincial and municipal police forces, and the government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

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 independent judicial determination of the legality of the detention, and authorities respected this right in practice. Authorities provided detainees with timely information as to the reason for the arrest, ensured prompt access to a lawyer of the detainees' choice and, if indigent, to one provided by the state, and granted prompt access to family members. Bail generally was available.

On February 23, the Supreme Court ruled on the appeal of a 2004 Federal Court of Appeal decision that it was constitutional for the government to arrest and detain on immigration security certificates noncitizens who pose a threat to national security. The government issues certificates on the basis of confidential evidence presented to two cabinet ministers by intelligence or police agencies and reviewed by a Federal Court judge. The evidence generally is not shown to the detainee. If the judge approves the ministers' recommendation, the individual may be imprisoned pending deportation proceedings. The Supreme Court struck down the process, ruling that indefinite detention without review is arbitrary and that defendants have the right to know the evidence against them. The court suspended its ruling for one year to allow the government time to rewrite the law. In October the federal government introduced amending legislation to allow the appointment of security-cleared lawyers, or "special advocates," to hear sensitive national security evidence on behalf of detainees and to extend to certificate detainees the same right of access to detention review available to permanent residents and citizens held on national security charges. The legislation was pending at year's end. At year's end one individual was incarcerated on a security certificate, and five other detainees subject to security certificate proceedings had been conditionally released, pending deportation.

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.

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. The government provides an attorney 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 generally have access to government-held evidence relevant to their cases. Defendants also enjoy a presumption of innocence and have a right of appeal.

On May 7, the Federal Court of Canada ruled that withholding sensitive national security information obtained from foreign security agencies and governments from defendants in national security cases did not necessarily infringe on the right to a fair trial. The judgment occurred in the context of charges against Momim Khawaja, the first individual to be charged under the Anti-Terrorism Act. Khawaja's appeal of the ruling to the Federal Court of Appeal was pending at year's end.

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. Alleged human rights violations may be heard by the provincial or federal human rights commissions. Remedies can be monetary, declaratory, or injunctive. There were few 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. Individuals could criticize the government publicly or privately without reprisal, and the government did not attempt to impede criticism. 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 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, the country's constitutional bill of rights.

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 14, the Supreme Court declined to hear an appeal of a 2005 Federal Court of Appeal decision upholding the Radio-Television and Telecommunications Commission's refusal to renew the broadcasting license of a Quebec City radio station. Some citizens had filed complaints alleging that station announcers used offensive comments, personal attacks, and harassment.

On June 21, the Saskatchewan Court of Appeal deferred its decision on the appeal of a 2006 Saskatchewan court ruling setting aside a 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 case remained pending at year's end.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-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. On February 2, the tribunal fined a white supremacist \$3,738 (Cdn \$4,000) for using the Internet to disseminate hate messages. On July 23, the same tribunal, ruling on a 2006 complaint, found that a respondent had administered and maintained a Web site to communicate hate messages and fined the individual \$3,738 (Cdn \$4,000). In October the tribunal fined a white supremacist \$1,400 (Cdn \$1,500) for posting hate messages on the Internet and ordered the defendant to pay an additional \$2,803 (Cdn \$3,000) in compensation to the complainant for abusive comments the defendant posted about him online after he filed his complaint. Federal and provincial human rights commissions themselves were increasingly criticized by journalists for accepting cases related to material mildly critical of various religious and other minority group organizations.

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.

After the town of Herouville, Quebec, on January 25 adopted a statement of behavioral "standards" for prospective immigrants, addressing such religious practices as face covering, the Quebec government in February created a Consultation Commission on Accommodation Practices Related to Cultural Differences. The commission held a series of public hearings across the province between September and December to provide a basis for a report scheduled for release in March 2008.

There were instances of restrictions on personal attire related to religion. In February, April, and November, sports officials barred participation of Muslim girls wearing a hijab (headscarf) on the grounds that the hijabs violated sport safety rules. In December the Alberta Soccer Association issued an interim ban on the wearing of hijabs during soccer games. In March, also citing safety rules, authorities in a Montreal jail dismissed a Muslim female correctional officer who insisted on wearing the hijab.

In September the federal chief electoral officer reversed a March decision of Quebec election officials and ruled that voters wearing religious face coverings could vote without showing their faces if they provided acceptable identification.

In April the Canadian Human Rights Commission reached a settlement with the national rail carrier to permit Sikhs to wear kirpans (ceremonial daggers) on trains. The settlement resolved the 2005 complaint of a Sikh law student who had twice been prohibited from riding on national rail carrier trains because he was wearing a kirpan. The carrier's policy bans weapons without exceptions for religious symbols. Under the settlement, kirpans may be worn only by Sikhs, cannot be visible to other passengers, and must be sheathed at all times.

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 is Jewish. The B'nai Brith Canada League for Human Rights received 935 reports of anti-Semitic incidents in 2006, a 12.8 percent increase from 2005. The greatest number of reports came from Ontario Province (569 incidents, 445 of which took place in the Greater Toronto area), followed by Quebec Province (226 incidents, 215 of which took place in Montreal)--the two provinces where approximately 80 percent of the Jewish population resided. The 935 reports included 588 cases of harassment, 317 cases of vandalism, and 30 cases of violence; 187 cases involved attacks on synagogues, Jewish homes, or communal buildings. Jewish students reported 54 cases of anti-Semitic incidents that occurred on campus, and another 48 involved school settings. B'nai Brith also noted a marked increase in Web-based hate, with 253 reports, a 54 percent increase compared with 2005.

On April 13, Montreal police charged two men with arson, uttering threats, and possessing arson materials in connection with two incidents against the Jewish community. The men allegedly threw a Molotov cocktail at the front door of an Orthodox Jewish boys' school and exploded a small device outside a Jewish community center. The police were treating the cases as hate crimes.

On April 15, a synagogue in British Columbia was defaced with anti-Semitic graffiti. The RCMP and the British Columbia Hate Crimes Unit investigated the attack as a hate crime and arrested two people in connection with the incident.

On June 5, unknown individuals in Val David, Quebec, torched a cottage belonging to a member of Montreal's Hasidic Jewish community. Quebec police continued investigating the incident at year's end.

On June 29, for the third time in three months, unknown individuals desecrated a Jewish cemetery in Ottawa.

On September 4, a Jewish family found the front door of its rental property in Bowmanville, Toronto, smashed and swastikas, anti-Jewish, and neo-Nazi graffiti painted on the walls after a tenant was evicted for nonpayment of rent. B'nai Brith urged police to treat the incident as a hate crime.

On September 26 and 27, unknown individuals spray-painted nine vehicles in the York Region of Toronto with swastikas, anti-Semitic, and homophobic slurs. Unknown individuals also spray-painted the doors and windows of several nearby homes, smashed the windows and lights of one vehicle, and stole some property. York region police were investigating the incidents as hate crimes.

Approximately 1.9 percent of the population is Muslim. On August 20, unknown individuals threw a concrete patio stone through a window at the Mississauga Islamic Society of North America building, which was occupied by 100 persons; there were no injuries. Although Muslim leaders considered the incident a hate crime, police were treating it as mischief.

There were no known developments in investigations of a June 2006 incident of an imam threatened outside a Montreal mosque by a person wielding a knife, property damage to a Rexdale, Ontario, mosque the same month, and a September 2006 attack on an Islamic school in Ottawa.

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 under federal regulation. 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 [2007 International Religious Freedom Report](#).

d. Freedom of Movement Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

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 a system for providing protection to refugees, granted refugee status or asylum as appropriate, and cooperated with the Office of the UNHCR 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 there is reason to believe 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 of Canada exists. Two other remedies of last resort are available through the department of Citizenship and Immigration, including a "pre-removal risk assessment" as well as an appeal to the minister of citizenship and immigration 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 in January 2006, 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 in the lower house, formed a minority government. Political parties operated without restriction or outside interference.

There were 65 women and four indigenous persons in the 308-member House of Commons. There were 32 women and seven indigenous members in the 105-seat Senate (whose members are appointed by the government). Women held five seats in the 27-member cabinet. The governor general and four of the nine members of the Supreme Court, including the chief justice, were women.

Province-wide elections in Quebec, Manitoba, Prince Edward Island, Newfoundland and Labrador, Ontario, and Saskatchewan and a territorial election in the Northwest Territories took place during the year.

Government Corruption and Transparency

The law provides criminal penalties for official corruption, and the government generally enforced these laws effectively. There were occasional reports of government corruption during the year. In December 2006 the government enacted the Federal Accountability Act to increase transparency and accountability in government, although the act's provisions related to lobbying registration and disclosure are not yet in force.

A conflict of interest and ethics commissioner administers the Conflict of Interest Code for members of the House of Commons, as well as the Conflict of Interest Act in relation to public office holders, which came into force on July 9.

Public officials are not subject to financial disclosure laws for personal assets.

The law permits public access to government information and in practice granted access for 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 January 27, the government accepted a commission of inquiry's report, awarded \$9.8 million (Cdn \$10.5 million) plus \$934,000 (Cdn \$1 million) in legal costs, and issued a formal apology to dual Canadian-Syrian citizen Maher Arar for its role in his removal from the United States and detention in Syria.

In December 2006 the government ordered a judicial review of the role, if any, officials may have played in the detention and alleged torture in Syria of three Muslim Canadians suspected of links to terrorism. The inquiry was scheduled to report on January 31, 2008.

On March 26, the government opened its trial against Desire Munyaneza for crimes allegedly committed during the 1994 Rwandan genocide, the first trial under the country's Crimes Against Humanity and War Crimes Act. Testimony was scheduled to continue until spring 2008.

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.

Women

Although prohibited by law, rape and violence against women, including spousal rape and abuse, remained a problem. The government's statistical office reported that there were 68 sexual assaults per 100,000 persons in 2006, down from 73.7 in 2005, while the 2006 homicide rate related to domestic violence rose to 0.78 from 0.71 per 100,000 couples, the first increase in five years.

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.

Indigenous (aboriginal) people were three times more likely to be victims of spousal violence than nonindigenous people.

The federal statistical agency reported there were 553 shelters for abused women in 2006; the shelters provided both emergency care and long-term assistance. The government's family violence initiative involved 12 departments and a cabinet ministry--Status of Women Canada. These entities worked to eliminate systemic violence against women and advance women's human rights.

The *Amnesty International 2007 Report* noted continuing high levels of discrimination and violence against indigenous women and criticized officials for failing to advance a national strategy. The report stated that police responses to threats against indigenous women's lives were inconsistent and inadequate.

Adult prostitution is legal, but the law prohibits pimping (benefiting from the earnings of prostitution of another); operating, being found in, or working in a brothel; and communicating in a public place for the purpose of engaging in prostitution.

The law does not contain a specific offense of "sexual harassment" but criminalizes harassment (stalking), punishable by up to 10 years' imprisonment, and sexual assault, with penalties ranging 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, and did not experience economic discrimination. According to Statistics Canada, 62 percent of women age 15 and older were employed in the workforce in 2006. Employment equity laws and regulations cover federal employees in all but the security and defense services. Women have marriage and property rights, as well as rights in the judicial system, 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.

Children and youth were overrepresented in police reports as victims of sexual assault, according to federal statistics. In a 2003 study, children and youth, who represented 21 percent of the population, were victims in 60 percent of sexual assaults, 21 percent of physical assaults, and 17 percent of other crimes involving violence or threat of violence in the regions covered by the study. The risk of violent victimization rose with age from less than 500 per 100,000 for children under age eight to 2,000 per 100,000 for children age 14 to 17.

Trafficking in Persons

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

The country is a source, transit point, and destination for men, women, and children trafficked for the purposes of labor and sexual exploitation. Nongovernmental organizations (NGOs) estimated that 2,000 persons were trafficked into the country annually, while the RCMP in 2004 put its estimate at 600 to 800 persons, with an additional 1,500 to 2,200 persons trafficked through the country into the United States. The most numerous victims were Asians and Eastern Europeans, but a significant number also came from the Middle East, Africa, Latin America, and the Caribbean. Women and children were trafficked for sexual exploitation; on a lesser scale, men, women, and children were trafficked for forced labor. Some girls and women, most of whom were aboriginal according to a 2005 Department of Justice study, were trafficked internally for commercial sexual exploitation.

Vancouver and Toronto served as hubs for organized crime groups trafficking 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 U.S. border.

The criminal code criminalizes trafficking in persons and prohibits global and internal 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 \$981,000 (\$Cdn one million) for convicted cross-border traffickers. The government prosecutes all forms of human trafficking, including forced labor, in addition to trafficking related such as kidnapping, forcible confinement, uttering threats, sexual assault, prostitution-related crimes, and extortion. The law also permits domestic prosecution of citizens and residents who engage in illegal sexual activity with children overseas.

There were five trafficking-related convictions between March 2006 and February, while 10 other investigations continued at year's end. On June 21, the British Columbia Provincial Court ruled on a 2005 case in which Vancouver police brought the first trafficking charges under IRPA. The court dismissed the trafficking charges due to lack of credible evidence but convicted the massage parlor owner of keeping a common bawdy house and procuring women to engage in illicit sexual services. Sentencing discussions in the case were ongoing at year's end.

The government has an interdepartmental working group consisting of 19 departments and agencies and cochaired by senior officials from the Departments of Justice and Public Safety to combat trafficking in persons.

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

Officials may grant a temporary residence permit of 180 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 180-day period, immigration officials determine whether a longer residency period of up to three years may be warranted. Nonetheless, NGOs have reported anecdotal evidence that some victims of trafficking were arrested and deported. The RCMP implemented a law enforcement training program to sensitize officers to trafficking realities, help identify potential trafficking victims, and 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 and programs such as legal assistance; they may also apply for assistance from victims' assistance funds maintained by the provincial governments.

The government's Interdepartmental Working Group on Trafficking in Persons 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 RCMP initiated training workshops for police, immigration, border agency, and other officials; 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 and supported the right of persons with disabilities to vote and participate in civic affairs.

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, native English speakers in Quebec (8.3 percent of the province's population in 2001) and French speakers in other parts of the country generally lived and worked in the language of the majority. Provinces may grant French or English the status of an official language, but 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. The Charter also protects minority language rights. Access to publicly funded English education is restricted to 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 attend English language schools by obtaining a waiver.

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, 23 percent; Northwest Territories, 50 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. 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 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, frequently depends on legal challenges, including 45 Supreme Court decisions.

On May 31, the federal government offered approximately \$116 million (Cdn \$125 million) to the Haudenosaunee/Six Nations to settle four of 28 claims relating to a dispute over ownership of a construction site in southern Ontario. The site had been occupied by tribal members since February 2006. Discussions concerning the federal offer continued at year's end.

On July 16, the federal government announced a more than \$1.3 billion (Cdn \$1.4 billion) agreement with the Cree of northern Quebec, which will implement a 1975 treaty and prepare the Cree for self-government. The agreement, which will run through 2027 and give the Cree control over local services and economic development projects, was approved with 90 percent of 6,421 votes cast in a Cree referendum held between August 10 and October 12.

In November the federal government announced an agreement to extend formal aboriginal status to the Mi'kmaq of Newfoundland and Labrador that would allow the Mi'kmaq to access federal programs and services for status Indians. The agreement is subject to ratification by the 7,800 members of the Federation of Newfoundland Indians.

On December 3, the federal and Quebec governments signed an agreement in principle (AIP) with Quebec Inuit to create

an Inuit-controlled regional government, accountable to Quebec's National Assembly, to administer the region of Quebec above the 55th parallel. The Nunavik Regional Government or Nunavimmiut Aquuvvinga would consist of at least 21 elected members including a representative from each of the territory's 14 Inuit communities. The AIP authorizes negotiations to begin on a legally binding final agreement that must be ratified by the Nunavik population and the federal and Quebec governments.

The 2006 report of the federal corrections ombudsman charged that a disproportionate number of aboriginal prisoners were in maximum-security penitentiaries and segregation and spent longer in jail than nonnative prisoners. Aboriginal people constituted approximately 3 percent of population but accounted for 18.5 percent of the federal prison population. The ombudsman attributed a higher rate of recidivism in part to the Correctional Service's failure to manage aboriginal inmates in a culturally responsive and nondiscriminatory manner and lack of access to reintegration programs following release.

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

Other Societal Abuses and Discrimination

There were rare reports of societal violence or discrimination based on sexual orientation or against persons with HIV/AIDS. The Canadian Human Rights Act prohibits discrimination on the grounds of sexual orientation, and the criminal code provides penalties for crimes motivated by bias, prejudice, or hate based on personal characteristics, including sexual orientation. The law extends equal access to civil marriage to same-sex couples, and in January the government eliminated restrictions for purposes of immigration on recognition of same-sex marriages performed outside the country.

In September York Region police in the Greater Toronto Region launched hate crime investigations into four incidents of violence and mischief in the Lake Simcoe area that targeted Asian-Canadians and left a Toronto resident in a coma. Police charged two men with assault in relation to two of the incidents and said hate crime charges could follow, depending on the result of investigations

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. However, there were reports that private sector employers and public authorities took advantage of limitations in the law: In particular, private employers brought in temporary workers to replace strikers, while provincial and federal governments used the law to order strikers back to work.

There are no export processing zones.

In November the Ontario Court of Appeal rejected a bid by the Mississaugas of Scugog Island aboriginal band to terminate a collective agreement with a national trade union at a band-owned casino and impose its own labor code on the grounds of aboriginal treaty and self-government rights. The band's labor code provides no right to strike and effectively prohibits unions from organizing workers at the casino. The court ruled that labor relations were not a defining characteristic of the band's ancestral culture.

Also in November, workers in Ontario at Magna International Inc. approved a labor agreement in which unionized employees gave up the right to strike in favor of arbitration to settle labor disputes.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports of trafficking of children.

d. Prohibition of Child Labor and Minimum Age for Employment

Child labor legislation varies from province to province. The federal government employs youths under age 17 only while school is not in session and in work unlikely to endanger health or safety. Most provinces prohibit children under age 15 or 16 from working without parental consent, at night, or in any hazardous employment.

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 \$6.54 to \$7.94 (Cdn \$7.00 to Cdn \$8.50) 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 of four with a before-tax income of less than \$36,084 (Cdn \$38,610) qualifies as low income.

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. Authorities effectively enforced these standards. 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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