



## U.S. DEPARTMENT of STATE

### Canada

#### International Religious Freedom Report 2006

Released by the Bureau of Democracy, Human Rights, and Labor

The Charter of Rights and Freedoms (1982) provides for freedom of religion, and the Government generally respected this right in practice.

There was no change in the status of respect for religious freedom during the period covered by this report, and government policy continued to contribute to the generally free practice of religion.

The generally amicable relationship among religious groups in society contributed to religious freedom.

The U.S. government discusses religious freedom issues with the Government as part of its overall policy to promote human rights.

#### Section I. Religious Demography

The country has an area of 3,855,101 square miles and a population of approximately thirty-three million. According to a 2001 census, approximately 77.1 percent of the population belonged to Christian denominations or claimed Christianity as its religion. Roman Catholics (44 percent of the population) constituted the largest denomination, followed by Protestant denominations (29 percent). United Church, Anglican, Presbyterian, Lutheran, Baptist, and Pentecostal were the largest Protestant groups. The Muslim population stood at 2 percent, and approximately 1.1 percent of the population was Jewish. Other religious groups included Buddhists, Hindus, and Sikhs, each with approximately 1 percent of the population. Several other religions, such as Scientology, Baha'i, Shinto, Taoism, and aboriginal spirituality, each accounted for less than 1 percent. A total of 17 percent claimed no religious affiliation, an increase from 12 percent in the 1996 census.

An April 2006 Ipsos Reid Survey of Christian religious attitudes indicated that, while Christian beliefs had remained largely unchanged since 1996, fewer persons (17 percent) attended church on a weekly basis. A 2002 Pew Research Center poll on religious attitudes found that approximately 21 percent of the population attended church on a weekly basis.

#### Section II. Status of Religious Freedom

##### Legal/Policy Framework

The Charter of Rights and Freedoms provides for freedom of religion, and the Government generally respected this right in practice. The Government at all levels sought to protect this right in full and did not tolerate its abuse, either by governmental or private actors.

The following Christian holy days are national holidays: Good Friday, Easter Monday, and Christmas Day.

Religious groups are not required to register with the Government. The Government grants tax-exempt status to religious institutions through the Charities Directorate of the tax authority, Revenue Canada. This status provides religious institutions with certain federal and provincial sales tax reductions, rebates, and exemptions, and it requires them to be nonpolitical, send donations only to approved overseas recipients, and undergo periodic audits. Through this same government-approved charitable status, clergy receive various federal benefits, including a clergy housing deduction under the tax code and fast-tracking through the immigration system. Individual Canadians who donate to religious tax-exempt institutions receive a federal tax receipt entitling them to deductions for federal income tax purposes.

The constitution and the Charter of Rights and Freedoms protect the rights or privileges possessed by religious minorities in their public, but denominational, schools at the time of national union in 1867. In practice this protection has meant that some provinces have funded Catholic school education, and some provinces (such as Quebec) have funded Protestant education but under the category of "public," not "private," education. Education falls under the purview of the provinces, not the Federal Government. As such, levels of direct funding and indirect tax benefits for all schools, public as well as private, religious and nonreligious, ranged across the country from 0 to 75 percent.

On November 2, 2005, the UN Human Rights Committee reiterated its 1999 ruling that called on the Federal Government to "adopt steps in order to eliminate discrimination on the basis of religion in the funding of schools in Ontario." The ruling, which resulted from a 1996 complaint filed under Article 28 of the International Covenant on Civil and Political Rights on behalf of an Ontario Jewish parent who was sending his child to a Jewish private school, concluded that Ontario's policy of full and direct public funding for only Catholic but not other religious schools was discriminatory. While the issue of public funding for non-Catholic religious schools in Ontario has been the subject of domestic litigation since 1978, a 1996 Supreme Court ruling confirmed the constitutionality of funding for Catholic separate schools.

On September 11, 2005, Ontario's premier announced his government's intention to end civil enforcement of religious arbitration decisions in the province. Since 1991 the Ontario Arbitration Act had permitted religious organizations to hold tribunals in which marriage, family, and business disputes could be settled according to religious law. The tribunals were voluntary, and tribunal decisions had to comply with the Charter of Rights and Freedoms and could be appealed through the court system. With the Family Statute Law Amendment Act of February 23, 2006, religious arbitration in family matters ended, making all family law arbitration subject to civil law. At the end of the period covered by this report, the Ontario government was developing regulations to implement the legislation.

There was no official government council for interfaith dialogue, but the Government provided funding for individual ecumenical projects on a case-by-case basis.

### Restrictions on Religious Freedom

Government policy and practice contributed to the generally free practice of religion.

In April 2005 the British Columbia Supreme Court ruled that a fourteen-year-old girl, who was a member of the Jehovah's Witnesses, could not refuse a blood transfusion as part of her treatment for cancer, despite the girl's protest that her religious beliefs did not allow for blood transfusions. In May 2005 she appealed the decision to a court in Ontario, but the judge refused to hear her arguments and ordered her to return to British Columbia. Subsequently, the government of British Columbia allowed the girl to travel abroad to receive treatment. She returned home in August 2005 after being treated without requiring a blood transfusion.

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* (ceremonial dagger). Railway company officials, responding to another passenger's complaint and referring to its baggage policy that bans weapons, required that the Sikh passenger disembark, enforcing a company policy that makes no exceptions for religious symbols. The student's appeal to the Ontario Human Rights Commission for redress was pending at the end of the period covered by this report.

In January 2006 the Ontario Human Rights Commission ruled in favor of a woman who alleged she had been the target of discrimination for her belief in Falun Gong. The ruling expanded the commission's working definition of "creed" to include Falun Gong. The claimant had complained that she was harassed about her beliefs at the Ottawa Chinese Cultural Association and ultimately ejected from the group. The association was found liable for breaching Ontario's human rights code on the basis of religion. The claimant received \$15,500 (C\$18,000) in damages for the loss of dignity and "mental anguish."

In March 2006 the Supreme Court issued its unanimous decision in the case of a Sikh student whose Montreal school had prohibited him from wearing his *kirpan* under its "no weapons" policy. The court ruled in favor of the student, ruling that his religious rights had been infringed. Previously, the Board of Education had alleged that the *kirpan* presented a safety problem, while the student's family argued that banning the *kirpan* violated his religious rights. The Ontario Human Rights Commission argued in favor of balancing freedom of religion and safety and security.

Also in March 2006 the Quebec Human Rights Commission decided that a Montreal engineering school must allow its Muslim students to pray in dignity, although the school is not obligated to provide students with a dedicated prayer space. The school had previously blocked Muslim students from praying in school hallways and stairways, leading to the 2003 filing of a complaint. During the sixty-day period provided by the commission, the two sides failed to reach a "reasonable accommodation" regarding the students' prayer space. Discussions between Muslim representatives and the school continued at the end of the period covered by this report. In December 2005 Muslim students at McGill University filed a similar complaint with the commission, which had not issued a decision on the second complaint.

In March 2005 two complaints were filed with the Alberta Human Rights Commission against the Catholic bishop of Calgary after he stated in a pastoral letter his opposition to proposed same-sex marriage legislation by the Federal Government. Both complaints were later dropped.

In 2004 the police began a continuing investigation of the polygamous community of the Fundamentalist Church of Jesus Christ of Latter Day Saints (FLDS), as a result of allegations of child abuse and statutory rape. The FLDS openly practices polygamy, a criminal offense according to the criminal code. British Columbia attorneys general have stated that the statute violates the Charter of Freedoms and is unenforceable as a restriction on the practice of religion. At the end of the period covered by this report, a complaint by former FLDS members based on denial of human rights was pending before the British Columbia Human Rights Tribunal. The Government issued deportation orders on the grounds of illegal extended residence in the country for three foreign wives who alleged they were married to a former FLDS bishop. The women alleged that the Government's refusal to grant them residence based on their claimed marriage to a Canadian citizen constituted religious persecution. Citizenship and Immigration Canada denied their petition for humanitarian and compassionate parole, and the women filed appeals in court, which were pending at the period covered by this report.

There were no reports of religious prisoners or detainees in the country.

### Forced Religious Conversion

There were no reports of forced religious conversion, including of minor U.S. citizens who had been abducted or illegally removed from the United States, or of the refusal to allow such citizens to be returned to the United States.

### Section III. Societal Abuses and Discrimination

The generally amicable relationship among religious groups in society contributed to religious freedom.

According to the June 2005 Council of American-Islamic Relations Canada's 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 the workplace. According to the report, authorities made a disproportionate number of visits to Arab males between the ages of eighteen and thirty-five. 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.

Throughout the period covered by this report, the Royal Canadian Mounted Police (RCMP) continued its outreach program, established in April 2005 in major cities, to ensure that all persons are treated equally and with respect in national security investigations. The program included community-based committees with members of the Muslim and Arab minorities to serve as avenues for communication on national security and cultural sensitivity matters. It also contained sensitivity training programs taught by individual ethnic and religious community members that were used to address allegations of insensitivity.

The B'nai Brith Canada League for Human Rights received 829 reports of anti-Semitic incidents in 2005, a 3.3 percent decrease compared to 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 also reported significant regional increases in reports received in British Columbia, Alberta, Saskatchewan, and the Maritime Provinces. Both Montreal and Winnipeg showed significant decreases from the 2004 numbers. The 829 reports included 531 cases of harassment, 273 cases of vandalism, and 25 cases of violence. Of these, 167 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.

On July 8, 2005, 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 (C\$1,000). The charges stemmed from remarks made in a 2002 public address to the Federation of Saskatchewan Indian Nations. Claiming that the defendant's remarks were part of a private conversation, the defendant's lawyer launched a successful appeal in a Saskatchewan court that on June 8, 2006, set aside the earlier ruling and ordered a new trial. On June 19, the Saskatchewan Justice Department announced its plans to appeal the decision to the Saskatchewan Court of Appeal.

In November 2005 the attorney general of Ontario charged a man with committing hate crimes, as well as with seven counts of mischief under \$4,250 (C\$5,000) and two counts of threatening death. The charges stemmed from incidents in 2004 targeting Muslims, Arabs, and Jews at Ryerson University in which the accused spray-painted anti-Muslim graffiti in the multifaith prayer room on campus and anti-Semitic graffiti elsewhere around the university campus. The case was pending at the end of the period covered by this report.

A number of mosques were vandalized, including several mosques in the Montreal area, in February and March 2006. At the end of the period covered by this report, police had not identified suspects in these incidents. This followed media coverage of the international reaction to publication in Denmark of caricatures of the Prophet Muhammad. In April 2006 a mosque in the Quebec city of Trois Rivieres, home to approximately 300 Muslims, was targeted with racist posters.

During the same period, approximately forty-five acts of vandalism against Christian cemeteries and churches were identified in the media. On June 27, 2006, a Manitoba court sentenced three individuals to prison terms of two years minus one day to three years for the arson destruction of a 105-year-old church. An amount of \$1 million (C\$1.2 million) was levied 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, 2006, the Norwegian convict's birthday. The individual receiving the stiffest sentence had previously been charged with arson in an April 2004 fire that destroyed another church and with the vandalism of tombstones in Manitoba and Alberta. He was scheduled to appear in court on August 3, 2006.

In May 2006 St. Alban's Anglican Church, located in a Victoria, British Columbia, suburb was vandalized. Church lights and stained glass windows were smashed, Bibles and other religious objects were desecrated, and cigarette butts and empty wine bottles were left in and around the church. Police made arrests in the case, but by the end of the period covered by this report, authorities had not charged anyone. Church officials indicated they did not plan to press charges.

Following the June 2, 2006, arrests of seventeen individuals with "Muslim" names in the Toronto area on alleged terrorism charges, several anti-Muslim incidents occurred in various locations, including in Montreal and Toronto. On June 9 a Montreal imam was threatened with a knife outside his mosque, 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 averted criminal acts as "motivated by politics and hatred, not by any religion or faith."

#### Section IV. U.S. Government Policy

The U.S. government discusses with the Government ways to promote religious freedom and other human rights throughout the world.

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[International Religious Freedom Report Home Page](#)

