



Canada

International Religious Freedom Report 2008

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The Government generally respected religious freedom in practice. There was no change in the status of respect for religious freedom by the Government during the period covered by this report.

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The U.S. Government discusses religious freedom 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 33.1 million. According to the 2001 census, the last census to include questions about religious affiliation, approximately 77.1 percent of the population belongs to Christian denominations or claims Christianity as its religion. Roman Catholics (44 percent of the population) constitute the largest group, followed by Protestant denominations (29 percent). The United Church, Anglican, Presbyterian, Lutheran, Baptist, and Pentecostal are the largest Protestant groups. The Muslim population stands at 2 percent, and approximately 1.1 percent of the population is Jewish. Other religious groups include Buddhists, Hindus, and Sikhs, each with approximately 1 percent of the population. Several other religions, such as Scientology, Baha'i, Shinto, and Taoism each account for less than 1 percent. According to the 2001 census, 0.1 percent of the population identifies itself as followers of "aboriginal spirituality." Approximately 16 percent of the population claims no religious affiliation.

Approximately two-thirds of the country's net population growth is due to immigration. Most of these immigrants were born in Asia and generally practice religions different from the majority of native-born citizens. According to the 2006 census, "visible minorities" comprise 16.2 percent of the overall population. Ninety-six percent of these minorities live in urban areas, with the metropolitan areas of Toronto and Vancouver accounting for 60 percent of the national total of "visible minority" residents.

A 2006 Ipsos Reid Survey of Christian religious attitudes indicates that approximately 17 percent of the population attends a Christian church on a weekly basis. A May 2006 Statistics Canada study reports that approximately 32 percent of the adult population attends a religious service at least once per month.

Section II. Status of Religious Freedom

Legal/Policy Framework

The Constitution, specifically the Charter of Rights and Freedoms (1982), provides for freedom of religion, and other laws and policies contributed to the generally free practice of religion. The law at all levels protects this right in full against abuse, either by governmental or private actors.

The Government observes Good Friday, Easter Monday, and Christmas Day as national holidays.

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, the Canada Revenue Agency. This status provides religious institutions with federal and provincial sales tax reductions, rebates, and exemptions; 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 expedited processing through the immigration system. Individual citizens who donate to religious tax-exempt institutions receive a federal tax receipt entitling them to federal income tax deductions.

The Constitution protects the rights and privileges possessed by religious minorities in their public, but denominational, schools at the time of national union in 1867. In practice, this protection means that some provinces (such as Ontario) fund Catholic school education under the category of public, not private, education. The law permits parents to homeschool their children and to enroll them in private schools for religious reasons. Education falls under the purview of the provinces, not the Federal Government. Six of the ten provinces provide at least partial funding to religious schools. 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.

Ontario is the only province that funds Catholic religious education, while providing no funding for other religious schools. The issue of extending public funding to non-Catholic religious schools in the province has been the subject of domestic litigation since 1978. In 2005 the U.N. 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." In October 2007 a promise by the official opposition party in the Ontario provincial election to extend public funding to all religious schools became the most contested issue in the campaign. Polls indicated that a majority of Ontario voters opposed the proposal. The incumbent provincial government, which subsequently won reelection, argued that the proposal would segregate students in a multicultural society and drain financial resources from the public education system. The provincial government has not officially reconsidered its dual system.

There was no official government council for interfaith dialogue; however, the Government provided funding for projects on an individual basis.

Restrictions on Religious Freedom

The Government generally respected religious freedom in practice. There was no change in the status of respect for religious freedom by the Government during the period covered by this report.

Civil liberties organizations, the media, and some members of Parliament occasionally criticized federal and provincial human rights commissions and tribunals for their application of hate speech restrictions included in federal and provincial human rights acts, claiming that the commissions and tribunals at times limited free speech and expression, and religious rights. The commissions are required by law to process all complaints they receive.

A complaint against the editor of *Catholic Insight*, alleging the magazine promoted hatred against homosexuals, remained before the Canadian Human Rights Commission at the end of the reporting period. The complainant alleged that he was upholding Catholic teaching on homosexuality in the magazine.

In June 2008 members of the Ontario legislature voted unanimously to maintain the tradition of reading the Lord's Prayer in the provincial legislature and to add a rotation of prayers from other major religious traditions and a moment of silent reflection for atheists. The vote was prompted by a proposal by Ontario's premier in February 2008 to discontinue the religious observance.

In May 2008 the Saskatchewan human rights tribunal ruled that a marriage commissioner in Regina discriminated against a gay couple when he declined to perform their same-sex ceremony on the grounds that it conflicted with his religious beliefs. The tribunal fined the commissioner \$2,475 (C\$2,500).

Also in May 2008 the Supreme Court of Canada heard the case of a teenage member of Jehovah's Witnesses who in 2006 was ordered by provincial Manitoba child-protection officials to submit to a medically necessary blood transfusion. The complainant argued that the transfusion violated her constitutional rights to security of the person and religious freedom; she asked the Court to strike down the provincial child-protection law. The Court's ruling was pending at the end of the reporting period.

In April 2008 the provincial Ontario Human Rights Commission dismissed a complaint filed by the Canadian Islamic Congress (CIC) and a group of law students against *Maclean's* magazine regarding the publication of a selection of articles and book excerpts by author Mark Steyn between 2005 and July 2007. The group filed concurrent complaints before the federal Canadian Human Rights Commission and provincial human rights commissions in Ontario and British Columbia alleging that the magazine violated human rights by publishing anti-Islamic articles and refusing to publish the CIC's rebuttal. Although the Ontario Human Rights Commission ruled it had no jurisdiction over print media, it denounced the magazine for "Islamophobic portrayals of Muslims" and "promoting destructive, xenophobic opinions." In June 2008 the federal Canadian Human Rights Commission ruled there were no grounds to proceed with the complaint. The British Columbia Human Rights Tribunal held hearings that closed in June 2008; the tribunal's ruling was pending at the end of the reporting period.

In March 2008 an Ontario provincial court ruled that Sikhs are not exempt from a provincial law requiring motorcycle riders to wear helmets. A Sikh man had complained that the Ontario law violated his right to practice his religion, but the court ruled that safety was paramount. The British Columbia and Manitoba provincial governments permit helmet exemptions for Sikhs.

In February 2008 a Muslim leader in Calgary, Alberta, announced he was withdrawing his complaint before the Alberta Human Rights Commission against former *Western Standard* publisher Ezra Levant. In February 2006 the Muslim leader filed the complaint after the *Western Standard* reprinted Danish cartoons of the Prophet Muhammad. A similar complaint against Levant from a local Islamic council remained before the Commission; the case was pending at the end of the reporting period.

In December 2007 an Alberta provincial court reversed an Alberta Soccer Association's interim ban on the wearing of hijabs during soccer games that the Association had imposed for safety reasons.

In December 2007 the Supreme Court of Canada ruled against a Montreal man for refusing to grant his wife a "get," a Jewish religious divorce, although he had signed a civil divorce agreement stating that he would grant one. The court ruled that the civil divorce agreement was a valid contract that took precedence over the man's argument that the court did not have jurisdiction over religious matters.

In November 2007 the Alberta Human Rights Commission ruled that Stephen Boissoin, who identified himself as a pastor and executive director of the Concerned Christian Coalition, violated Alberta's Human Rights, Citizenship and Multiculturalism Act by publishing statements in a local newspaper "likely to expose homosexuals" to "hatred and contempt due to their sexual preference." Boissoin argued that he published the statements to generate "spirited debate" and that his letter did not promote discrimination. As part of its remedy, the Commission ordered that Boissoin "cease publishing, in newspapers, by email, on the radio, in public speeches, or on the Internet, in the future, disparaging remarks about gays and homosexuals," publish a written apology, and pay \$4,950 (C\$5,000) in damages.

In September 2007 the federal chief electoral officer reversed a March 2007 decision of Quebec election officials and ruled that voters wearing religious face coverings could vote without showing their faces if they provided acceptable identification. The Federal Government disagreed with the ruling and in October 2007 introduced legislation in Parliament to amend the election law by explicitly requiring the visual identification of voters in all federal elections to deter fraud. At the end of the period covered by this report, the legislation remained before Parliament.

After a 2006 police investigation, the British Columbia provincial government considered bringing charges of polygamy and/or sexual exploitation of minors against members of the Fundamentalist Church of Jesus Christ of Latter Day Saints (FLDS) in Bountiful, British Columbia. However, it was assessing the legal opinions of two special prosecutors who advised against bringing criminal charges until the courts ruled on the constitutionality of polygamy. In June 2008 the provincial government appointed a third special prosecutor also to offer advice

on possible criminal charges. Polygamy is a criminal offense under the country's law, but the province has previously declined to prosecute on the basis that the law may not withstand a challenge under the Charter of Rights and Freedoms' protection of religious freedom.

In May 2007 the British Columbia Human Rights Tribunal dismissed a 2004 complaint by former FLDS members on the grounds that it did not have the authority to try a case alleging the denial of human rights by a government ministry. In August 2007, however, the provincial government reached a settlement with the former members by providing funds for crisis intervention training for community members and maintaining services to the community. The Federal Government issued deportation orders against three foreign women in polygamous relationships for illegal extended residency. The women's appeals were pending at the end of 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

There were some reports of societal abuses or discrimination based on religious affiliation, belief, or practice; however, prominent societal leaders took positive steps to promote religious freedom.

In 2007 the B'nai Brith Canada League for Human Rights received 1,042 reports of anti-Semitic incidents, an 11.4 percent increase compared to 2006. The League noted that incidents had increased more than four-fold since 1998. The most reports came from the provinces of Ontario and Quebec (582 and 291 incidents, respectively); the vast majority of the country's Jewish population resides in these two provinces. The report linked January 2007 and November 2007 spikes to Iranian President Mahmoud Ahmadinejad's call for the destruction of Israel and Quebec's public hearings on the integration of minorities, respectively. The 1,042 reports included 699 cases of harassment, 315 cases of vandalism, and 28 cases of violence.

The Quebec provincial government established a special commission that held public hearings across the province between September and December 2007 on the issue of "reasonable accommodation" of immigrant groups into Quebec society after a rural town adopted a controversial code of conduct seemingly directed against Muslims and other immigrant groups. Some religious groups accused the commission of providing a platform for discriminatory and, particularly, anti-Semitic and anti-Islamic opinion. B'nai Brith Canada's 2007 Audit of Anti-Semitic incidents linked a November 2007 spike in anti-Semitic incidents nationwide to the hearings. In May 2008 the commission issued its final report and called for greater inclusiveness, sensitivity, and tolerance of minority religious and cultural differences. Its 37 recommendations included removal of a symbolic crucifix from the provincial legislature, a prohibition against the wearing of religious symbols by judges and police officers, and increased funding for settlement and integration of new immigrants. However, it rejected as "unreasonable" requests by religious groups for gender segregation in children's swimming pools and for female Muslim patients to be attended exclusively by female doctors in public health facilities. Quebec's premier stated that he would implement some of the recommendations but refused to remove the crucifix from the legislature because the symbol reflected the strong presence of the Catholic Church in the province's history.

The Toronto Police Service 2007 Hate/Bias Crime Statistical Report counted 38 crimes based on religion, or 29 percent of the year's hate/bias crimes. The Jewish community comprises 4 percent of Toronto's population but was the target of 76 percent of the religious-based hate/bias crimes. Muslims comprise 7 percent of Toronto's population and were the target of 24 percent of the religious-based incidents.

In June 2008 unknown individuals spray-painted a Catholic church and a United Church church outside Ottawa with satanic markings. Police were treating the cases as vandalism.

In April 2008 an individual pled guilty to four counts of damaging and threatening to damage property relating to the firebombing of a Jewish boys' school and other targets in 2006 in Montreal. Sentencing proceedings were ongoing. A second individual faced nine charges related to the same incidents and was scheduled to go to trial in October 2008.

In April 2008 police found anti-Semitic messages spray-painted on the walls of two Toronto home developments. In March 2008 anti-Semitic graffiti and swastikas were painted on the walls of a public library and in an apartment building. In February 2008 police brought charges against two men for painting anti-Semitic and racist graffiti on property throughout a neighborhood in Saskatoon, Saskatchewan; the case remained ongoing at the end of the reporting period.

In March 2008 a transportation company suspended a Toronto area bus driver for a week without pay after he refused to remove his kufi, a Muslim religious head cap, while on the job. The company alleged that the headgear violated the employee dress code but subsequently reversed its decision, allowing the man to return to work and offering him compensation for lost wages.

In December 2007 in Toronto a fire crew dousing a car fire found a swastika spray-painted on a nearby garage door. Police treated the incident as a hate crime.

In November 2007 a Manitoba sports official refused to allow an 11-year-old girl to compete in a judo competition wearing a hijab. The official explained that his ruling was a safety precaution based on International Judo Federation guidelines.

Also in November 2007 a forestry company suspended two Sikh men who refused to wear hard hats. The men argued that company policy requiring all employees to wear hard hats in the operations area failed to consider their religious obligation to wear a turban. The company offered the men jobs in a different department where they would not be required to wear hard hats; however, in March 2008 the men filed a complaint against the company with the British Columbia Human Rights Tribunal, which was pending at the end of the period covered by this report.

In September 2007 in Bowmanville, Ontario, unknown persons smashed the front door of a rental property and painted its walls with swastikas, anti-Semitic, and neo-Nazi graffiti after a Jewish family evicted a tenant for nonpayment of rent. B'nai Brith urged police to treat the incident as a hate crime.

Also in September 2007 individuals spray painted nine vehicles in the York Region of Toronto with swastikas and anti-Semitic slurs. Unknown individuals also spray painted the doors and windows of several nearby homes, vandalized a vehicle, and stole property. York region police investigated the incidents as hate crimes.

In August 2007 unknown individuals threw a block of concrete through a window at the Mississauga Islamic Society of North America building occupied by one hundred persons. Muslim leaders considered the incident a hate crime, while police characterized it as mischief.

Section IV. U.S. Government Policy

The U.S. Government discusses religious freedom with government officials at the federal, provincial, and local levels as part of its overall policy to promote human rights.

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