



Canada

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

International Religious Freedom Report 2009

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Section I. Religious Demography

The country has an area of 3,855,101 square miles and a population of 33.5 million. According to the most recent census with questions about religious affiliation (2001), approximately 77.1 percent of the population is Christian. 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 churches 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 an estimated 1 percent of the population. Several other religions, such as Scientology, the Baha'i Faith, Shintoism, 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 religious beliefs different from the majority of native-born citizens. According to the 2006 census, "visible minorities" constitute 16.2 percent of the overall population. Ninety-six percent of these minorities live in urban areas, with the metropolitan areas of Toronto, Montreal, and Vancouver accounting for more than two-thirds of the national total of "visible minority" residents.

Section II. Status of Government Respect for 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 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 overseas donations only to approved 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 10 provinces provide at least partial funding to some religious schools. Levels of direct funding for accredited private faith-based schools ranged across the country from 0 to 70 percent of the base instruction rate for per capita student grants and associated operating grants.

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 the 2007 Ontario provincial election, voters re-elected the incumbent government that had opposed a promise by the official opposition party to extend public funding to all religious schools. 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. In March 2009, citing a "zero tolerance approach toward anti-Semitism," the Federal Government launched a review of its public service grants to remove state support for groups that advocate hatred or express support for terrorism. The review was ongoing at the end of the reporting period. The Federal Government provided \$2.4 million (C\$3 million) for a pilot program to enhance security for Jewish community institutions. In 2008 nearly 20 Jewish institutions received funding under this program.

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 reporting period.

Civil liberties organizations, the media, and some members of Parliament 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.

In June 2009 the Supreme Court of Canada ruled that an enforced blood transfusion for a teenaged minor and member of Jehovah's Witnesses was constitutional. The Jehovah's Witnesses member argued that provincial Manitoba child-protection officials violated her constitutional rights to security of the person and religious freedom by ordering her in 2006 to submit to a medically necessary blood transfusion.

In May 2009 a Quebec Superior Court heard an application by a group of parents in Drummondville, Quebec to

exempt their children from mandatory enrollment in an "Ethics and Religious Culture" course that provided an overview of world religions. In September 2008 Quebec's Education Ministry implemented the course in all elementary and secondary schools in the province, including private and religious schools. The parents alleged that the course contravened their Charter right to freedom of religion and conscience, as well as their choice of education for their children. The case remained pending at the end of the reporting period.

In January 2009 the British Columbia provincial government charged the current and former bishops of the Bountiful, British Columbia, Fundamentalist Church of Jesus Christ of Latter Day Saints (FLDS) with breaching Section 293 of the Criminal Code, which bans polygamy. The outcome of these trials is expected to clarify the constitutionality of Section 293 of the Criminal Code. The province previously declined to prosecute on the basis that the law might not withstand a challenge under the Charter of Rights and Freedoms' protection of religious freedom.

In early 2009 city transit authorities in Vancouver, Victoria, and Kelowna (all in British Columbia), London (Ontario), and Halifax (Nova Scotia) rejected an atheist bus advertisement campaign sponsored by the Freethought Association of Canada. The advertisement was displayed on buses in Toronto (Ontario), Montreal (Quebec), Calgary (Alberta), and Ottawa (Ontario).

In May 2009 an Ontario Superior Court judge ruled that there was no blanket right for a Muslim woman to wear a veil while testifying in court but did not issue a broad finding under the Charter of Rights, suggesting that judges should decide this question on an individual basis in court proceedings. The case followed the appeal of an October 2008 lower court ruling that a Toronto woman must remove her religious face covering when testifying in a sexual assault case. The Ontario Human Rights Commission, which argued that courts have a duty to accommodate religious beliefs, presented a submission to the judge during the Superior Court proceeding.

In October 2008 the Supreme Court of Canada heard an appeal by the Alberta government to uphold the province's 2001 decision to make provincial photo drivers licenses mandatory and to abolish an exemption that allowed individuals to opt out of being photographed for religious reasons. The Alberta government argued that mandatory photo licenses were necessary to improve security and deter fraud. Members of a Hutterite community in the province testified that the rule would violate their constitutional right to freedom of religion. The case was pending at the end of the reporting period.

In 2007 the federal chief electoral officer ruled that voters wearing religious face coverings could vote without showing their faces if they provided acceptable identification. The Federal Government disagreed and introduced legislation to amend the election law explicitly to require the visual identification of voters in all federal elections to deter fraud. However, the bill lapsed when the Governor General dissolved the 39th Parliament in advance of the October 2008 federal election.

In February 2009 a Saskatchewan provincial court acquitted former aboriginal leader David Ahenakew on a hate crime charge related to his 2002 public comments about Jews. The judge ruled that although Ahenakew's statements were "revolting, disgusting, and untrue," he was not guilty of intending to incite hatred since his comments appeared to be spontaneous. In March 2009 the Crown announced that it would not appeal the ruling.

In August 2008 the provincial Alberta Human Rights and Citizenship Commission dismissed a complaint by the Edmonton Council of Muslim Communities against journalist Ezra Levant for republishing Danish cartoons depicting the Prophet Muhammad.

In 2008 the provincial Ontario Human Rights Commission dismissed a complaint filed by the Canadian Islamic Congress (CIC) against *Maclean's* magazine regarding the publication of articles and book excerpts by author Mark

Steyn between 2005 and 2007. Although the Ontario Human Rights Commission ruled it had no jurisdiction over print media, it denounced the magazine for publishing "Islamophobic portrayals of Muslims." The federal Canadian Human Rights Commission (CHRC) and provincial British Columbia Human Rights Tribunal also dismissed concurrent CIC complaints alleging that the magazine had published anti-Islamic articles.

In December 2008 the CHRC dismissed a complaint against Muslim cleric Abou Hammad Sulaiman Dameus al-Hayiti for his book attacking homosexuals, Jews, and Christians.

In July 2008 a homosexual rights activist filed an application before the Federal Court of Canada for judicial review of a decision of the CHRC to dismiss his complaint against *Catholic Insight* magazine for allegedly promoting hatred of homosexuals. The application remained pending at the end of the reporting period.

In June 2008 Reverend Stephen Boissoin filed an appeal before an Alberta court of the May 2008 order by the Alberta Human Rights and Citizenship Commission that he cease making disparaging comments about homosexuals, pay a fine of approximately \$6,570 (C\$7,000), and publish an apology. Boissoin's appeal to the Alberta provincial court remained pending at the end of the reporting period.

There were no reports of religious detainees or prisoners 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 who had not been allowed to be returned to the United States.

Section III. Status of Societal Respect for Religious Freedom

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 2008 the B'nai Brith Canada League for Human Rights received 1,135 reports of anti-Semitic incidents, an 8.9 percent increase compared to 2007. The League noted that incidents had increased more than four-fold since 1998. The most reports came from the provinces of Ontario and Quebec (682 and 245 incidents, respectively); the vast majority of the country's Jewish population resides in these two provinces. Nearly half of the incidents occurred in the last four months of the year, which B'nai Brith correlated primarily to the economic recession. The 1,135 reports included 803 cases of harassment, 318 cases of vandalism, and 14 cases of violence.

In 2008 the Toronto Police Service reported 153 hate/bias occurrences and stated that Jews were the most targeted group (46 occurrences), followed by the lesbian, gay, bisexual, and transgender community (34), blacks (24), Pakistanis (8) and other Muslims (7). Other groups were targeted in the remaining 34 crimes. According to the Toronto Police Service, the Jewish community represents 4 percent of the population of Toronto but were victims in 30 percent of the hate/bias crimes. Muslims represent 7 percent of the city's population and were victims in 10 percent of the crimes. According to the York Regional Police in Ontario, there were 83 hate-related incidents in 2008, with Jews as the single most targeted group (26 incidents), followed by blacks (19 incidents).

In April 2009 vandals spray-painted "We hate Jews" and "I love Hitler" at a public elementary school in Pickering, Ontario in the greater Toronto area. The police launched an investigation.

In February 2009 a mob chanting anti-Semitic slogans at York University in Toronto blockaded students at the campus Hillel center. Also in February 2009, after a year-long investigation, police in Hamilton, Ontario announced

that no hate crime charges would be filed related to a 2008 rally at McMaster University where agitators had reportedly shouted "Death to Jews." Hate crime officers indicated that they did not have the necessary evidence to proceed.

In November 2008 authorities sentenced an individual to four years in prison and three subsequent years of probation for the firebombing of a Montreal Jewish boys' school in September 2006 and an attack on a Jewish community center in April 2007. In February 2009 a second individual pled guilty to nine counts related to the same incidents and received a seven-year prison sentence.

In November 2008 Quebec police arrested four individuals for vandalizing cars owned by Hassidic Jews in St. Agathe, pressing charges against two of them. In February 2009 a youth court sentenced one of them to community service. Police investigated the August 2008 assault on a Hassidic Jew walking to a synagogue in St. Agathe but declined to press charges.

In September 2008 authorities sentenced a woman to one year of probation as an accessory after the fact in her son's 2004 firebombing of the United Talmud Torah school in Montreal.

In July 2008 a man received a one-year jail sentence, with credit for time served, for his 2006 Calgary attack on a Jewish teenager and her three friends, one of whom he pushed from a transit train station platform onto the tracks. According to media reports, the then 21-year-old man shouted "I'm Muslim and hate Jews" while assaulting his victims.

In July 2008 vandals scrawled an anti-Semitic message and eight swastikas on a billboard at the Canadian Museum for Human Rights in Winnipeg. Winnipeg police investigated the incident as a hate crime, but there were no further developments during the reporting period.

In June 2008 vandals spray-painted a mosque in Dorval, Quebec with the word "Koran" and numbers referencing particular verses. Police investigated the incident but were not able to make any arrests. In early 2009 there was a similar incident at the same mosque, but the mosque's president declined to file a police report. In July 2008 police reportedly detained two suspects following the repeated vandalism of a different mosque also located on Montreal's West Island.

In April 2009 a Quebec court convicted a teenaged Sikh boy of assault with his hairpin but acquitted him of assault with his ceremonial dagger (kirpan) in a schoolyard dispute.

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.