

CANADA

Executive Summary

The constitution and other laws and policies protect religious freedom, and in practice, the government generally respected religious freedom. The government did not demonstrate a trend toward either improvement or deterioration in respect for and protection of the right to religious freedom.

There were some reports of societal abuses or discrimination based on religious affiliation, belief, or practice, including acts of anti-Semitism; however, prominent societal leaders took positive steps to promote religious freedom and condemn intolerance.

The U.S. government worked collaboratively with the federal government to promote religious freedom. The U.S. embassy and consulates throughout the country engaged members of religious groups and offered visitor exchange and other programs to promote religious freedom and interfaith dialogue.

Section I. Religious Demography

According to the most recent census that included 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 and the Anglican, Presbyterian, Lutheran, Baptist, and Pentecostal churches are the largest Protestant groups. The Muslim population stands at 2 percent while approximately 1.1 percent of the population is Jewish. Groups that constitute 1 percent or less of the population include Buddhists, Hindus, Sikhs, Scientologists, Baha'is, and adherents of Shintoism and Taoism.

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.

Most recent 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, with 96 percent in urban areas, mostly in metropolitan Toronto, Montreal, and Vancouver.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

The constitution, specifically the 1982 Charter of Rights and Freedoms, and other laws and policies protect religious freedom. Citizens have the right to sue the government for constitutional violations of religious freedom.

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 means that some provinces 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 provided at least partial funding to some religious schools.

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 litigation since 1978.

The government observes the following religious holidays as national holidays: Good Friday, Easter Monday, and Christmas Day.

Government Practices

There were no reports of abuses of religious freedom. Issues involving the exercise of religious freedom at the federal and provincial levels included limits on religious expression and teaching, the use of religious clothing and symbols, and the practice of religious customs.

In December, the government announced that individuals must uncover their faces at public ceremonies when swearing the oath of citizenship. The minister of citizenship, immigration, and multiculturalism described the new rule as consistent with the country's values of openness and equality. He also stated that the requirement enables citizenship judges to verify that each candidate recite the oath.

In December the Supreme Court of Canada heard arguments on whether individuals may wear a religious face covering while testifying in court. In 2010 the Ontario Court of Appeal ruled unanimously that judges must balance the religious freedom of participants to wear face coverings while testifying in court with the accused's right to a fair trial. The Ontario court listed factors that judges should take into account, including whether the witness's desire to wear the veil was motivated by religious belief and whether that belief was sincerely held. The court concluded that if the face covering impaired cross-examination of a witness, the court should order the veil removed.

In December the province of Quebec announced that correctional officers in provincial facilities may wear religious head scarves, or hijabs, at work. The decision resulted from a Muslim woman's complaint, filed with the provincial human rights commission, arguing that the law prohibiting the wearing of the hijab was discriminatory.

In November the British Columbia Supreme Court upheld the federal law prohibiting polygamy, finding that the need to prevent "harm to women, to children, to society, and to the institution of monogamous marriage" outweighed any infringement of religious freedom. The provincial government had sought advice regarding the constitutionality of section 293 of the criminal code relating to multiple marriages following the government's failed prosecution of two members of the Fundamentalist Church of Jesus Christ of Latter-Day Saints on charges of polygamy.

In October the Supreme Court of Canada heard arguments on whether an individual's right to exercise freedom of speech and religion by distributing flyers denouncing homosexuality on religious grounds contravened a Saskatchewan law prohibiting hate speech. In 2010, the Saskatchewan Court of Appeal had

overturned the Saskatchewan Human Rights Commission's decision that the defendant had breached the province's human rights code.

In June the government of Quebec enacted new rules prohibiting religious instruction or religious activity at daycare centers receiving provincial government funding. The government cited the need for subsidized facilities to reflect openness and diversity. Daycare centers found to be violating the bar on religious teaching risked losing their subsidy. Some Quebec parents launched a legal challenge to the new policy.

In March the Quebec Court of Appeal heard arguments on whether the city of Saguenay could continue to display Catholic symbols at city council meetings and open the council's sessions with prayers. The Quebec human rights tribunal had earlier ordered that the prayers be stopped and the religious symbols be removed from the council chamber.

In February the Quebec legislative assembly voted to ban the kirpan, a ceremonial dagger worn by some Sikhs, from its premises. Security agents had denied entry to the building to four members of the World Sikh Organization of Canada carrying the ceremonial daggers a month earlier.

In January the Saskatchewan Court of Appeal ruled that marriage commissioners could not cite religious beliefs as a reason to refuse to conduct same-sex marriages. The Saskatchewan government had asked the court to review a proposed law that would permit commissioners to refuse to marry same-sex couples on religious grounds. The court determined that the proposed legislation was unconstitutional as it discriminated against homosexuals. The provincial government announced that it would not appeal the January ruling.

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. For example, in November parliamentarians, religious leaders and the diplomatic corps attended the Third Interfaith Breakfast in Ottawa to highlight the contribution that religion can make to public discussion and to promote understanding and dialogue. In October religious and community leaders met with the government to exchange ideas on a proposal to establish an Office of Religious Freedom within the Department of Foreign Affairs and International Trade.

In December police in Winnipeg charged a 15-year-old high school student with assault with a weapon for allegedly burning the hair of a Jewish classmate while uttering anti-Semitic slurs. The case remained pending at the end of the year.

In December a Quebec TV host and local town mayor called Israel an apartheid regime and a country that “doesn’t deserve to exist” on his talk show. His comments sparked an investigation by the Canadian Broadcast Standards Council.

In July the Canadian Parliamentary Coalition to Combat Anti-Semitism, representing all parties in Parliament, released a report aimed at identifying and defining the nature of anti-Semitism in the country, analyzing the extent of the problem, and making practical recommendations. The report noted there has been nearly a five-fold increase in the number of anti-Semitic attacks over the past decade. As part of an effort to combat this trend, the report recommended the government adopt the European Union Monitoring Center on Racism and Xenophobia’s definition of anti-Semitism. The report’s other recommendations included withholding funding from nongovernmental organizations (NGOs) that support hatred or anti-Semitism, strengthening data collection on anti-Semitic incidents, and training law enforcement officers and educating youth about hate crimes.

In January police opened an investigation into the vandalism of five synagogues and a Jewish school in Montreal. The buildings each had windows broken over a two-day period. Authorities and law enforcement representatives denounced the acts. No arrests had been made by the end of the year.

Section IV. U.S. Government Policy

U.S. government representatives worked collaboratively with the federal government to promote religious freedom. The U.S. embassy and consulates conducted regular outreach to various religious communities and NGOs, including hosting a visit from the U.S. special representative to Muslim communities, who promoted mutual understanding and respect during meetings with Muslim leaders, students, and media. International Visitor Leadership, Voluntary Visitor, and exchange programs, as well as a speaker series and other public diplomacy tools, brought together individuals of different religious groups and encouraged interfaith dialogue. The embassy and consulates also invited community religious leaders to official events throughout the year.