

# CANADA 2014 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Canada is a constitutional monarchy with a federal parliamentary government. In a free and fair multi-party federal election held in May 2011, the Conservative Party, led by Stephen Harper, won a majority of seats in the federal parliament and formed a government. Authorities maintained effective control over the security forces.

The principal human rights problems included violence against women, disparities in living conditions between indigenous and nonindigenous peoples, and trafficking in persons.

The government took steps to investigate, prosecute, and punish all government officials who committed violations, whether in the security forces or elsewhere in the government.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary or Unlawful Deprivation of Life**

There were no reports the government or its agents committed arbitrary or unlawful killings during the year.

On June 17, a judicial preliminary inquiry concluded that sufficient evidence existed to try Toronto Police Service Constable James Forcillo for both second-degree murder and attempted murder in the July 2013 fatal shooting of Sammy Yatim in Toronto. On July 24, an independent review of use of force in the incident, commissioned by the Toronto Police Service, released a report with 84 recommendations for police interaction with emotionally disturbed or mentally ill persons.

#### **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.

### **Prison and Detention Center Conditions**

Prison and detention center conditions generally met international standards.

Physical Conditions: According to the governmental statistical agency's most recent figures, in 2012-13 there were approximately 41,000 inmates, pretrial detainees, and remand prisoners in federal and provincial correctional institutions, including approximately 1,400 juveniles. There were approximately 600 female prisoners in federal custody. As of 2009 official prison capacity was 38,604. The national double-bunking rate (the practice of confining two inmates in a cell designed for one) in federal facilities was 21 percent in 2011-12. The Correctional Service of Canada acknowledged in briefing documents to the minister of public safety that it faced "serious challenges" in accommodating a rising prison population with existing infrastructure. In a 2012-13 report, the federal correctional investigator noted that overcrowding limited access to programs and services and increased the potential for tension and violence.

The Correctional Investigator's Office noted that more than 50 offenders died in federal custody in 2011-12, the latest available figures. Of these fatalities, eight were suicides, three were homicides, 35 were attributed to natural causes, and six were due to unspecified causes. Food provided was adequate, and prisoners and detainees had access to potable water. Sanitation and medical care were adequate.

Administration: Recordkeeping on prisoners was adequate, and authorities used alternatives to sentencing for nonviolent offenders. There is a prison ombudsman. Prisoners and detainees had reasonable access to visitors, could observe their religious practices, and could submit complaints to judicial authorities without censorship. Authorities investigated credible allegations of inhuman behavior and documented the results of such investigations in a publicly accessible manner. The government investigated and monitored prison and detention center conditions.

Independent Monitoring: The government permitted visits by nongovernmental human rights observers, who were independent of the government.

### **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**

National, provincial, and municipal police forces maintain internal security. The armed forces are responsible for external security but in exceptional cases may exercise some domestic security responsibility at the formal request of civilian provincial authorities. The federal Royal Canadian Mounted Police (RCMP) reports to the Department of Public Safety, and the armed forces report to the Department of National Defense. Provincial and municipal police report to their respective provincial authority. 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 during the year of impunity involving the security forces. Authorities investigated and publicly reported all fatalities that resulted from police action or in police custody.

### **Arrest Procedures and Treatment of Detainees**

Authorities generally apprehended persons openly with warrants. A judge can issue a warrant after being satisfied that a criminal offense might 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. Authorities respected this right in practice. Authorities provided detainees with timely information of the reason for the arrest and ensured prompt access to a lawyer of the detainees' choice or, if indigent, one provided by the state without restriction. Bail generally was available. Suspects were not detained incommunicado or held under house arrest, and they have the right to have the validity of the detention determined by habeas corpus and to be released if the detention was not lawful.

Pretrial Detention: Authorities released detainees immediately after being charged, unless a judge deemed continued detention necessary to ensure the detainee's attendance in court, for the protection or safety of the public, or due to the gravity of the offense. Persons subject to continued detention have the right to judicial review of their status at regular intervals. According to reports by the Canadian Civil Liberties Association and the Ontario ombudsman, overly strict conditions for bail and incarceration for breaches of bail conditions for minor, nonviolent offenses contributed to trial delays and overcrowding in provincial pretrial detention facilities.

Noncitizens may be detained and deported on national security grounds under immigration security certificates. 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 who determines “reasonableness” and upholds or revokes the certificate. A judge may order an individual detained during the security-certificate determination process if the government considers that the individual presents a danger to national security or is unlikely to appear at the proceeding for removal, and the judge may impose conditions on release into the community, including monitoring. Individuals subject to a security certificate may see a summary of confidential evidence against them. Authorities must provide full disclosure to court-appointed, security-cleared lawyers (special advocates), who can review and challenge the evidence on behalf of these individuals but not share or discuss the material with them. The law establishes strict rules on the disclosure and use of secret evidence, prohibits the use of evidence if there are reasonable grounds to believe authorities obtained it as a result of torture, and provides mechanisms for review and appeal.

#### **e. Denial of Fair Public Trial**

The law provides for an independent judiciary, and the government generally respected judicial independence.

#### **Trial Procedures**

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. The judicial system is based on English common law at the federal level, as well as in most provinces. In Quebec civil law is derived from the Napoleonic Code; however, criminal law is the same nationwide. 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 of their choice 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, a right to be informed promptly and in detail of the charges against them (with free interpretation as necessary), a right not to be compelled to testify or confess guilt, and a right of appeal. The law extends these rights to all citizens.

## **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 and access to a court to bring a suit seeking damages for, or cessation of, a human rights violation. Remedies can be monetary, declaratory, or injunctive. Federal or provincial human rights commissions may also hear alleged human rights violations.

### **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

The law prohibits such actions, and there were no reports that the government failed to respect these prohibitions.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The constitution and law provide for freedom of speech and press, and the government generally respected these rights. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of speech and press.

Freedom of Speech: 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.

The criminal code prohibits public incitement and willful promotion of hatred against an identifiable group in any medium. Inciting hatred (in certain cases) or genocide is a criminal offense, but the Supreme Court sets a high threshold for such cases, specifying that these acts must be proven to be willful and public. 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.

## **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. On June 13, the Supreme Court ruled unanimously that police require a search warrant to obtain subscriber data from internet service providers to identify customers under investigation by law enforcement. On June 26, a 2013 amendment to the Canadian Human Rights Act repealing the authority of the Canadian Human Rights Commission and Canadian Human Rights Tribunal to investigate and punish internet communication of hate messages took legal effect.

Approximately 99 percent of households could access broadband services. According to the World Bank, 85.8 percent of the population used the internet in 2013.

## **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 the freedoms of assembly and association, and the government generally respected these rights.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

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

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

The government cooperated with the Office of the UN High Commissioner for Refugees 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.

Citizenship: On June 19, the government passed the Strengthening Canadian Citizenship Act, which gives the minister of citizenship and immigration the authority to revoke the citizenship of native-born dual nationals convicted of terrorism, high treason, or espionage or who take up arms against the country. The law also denies citizenship to permanent residents who commit these acts.

### **Protection of Refugees**

Access to Asylum: The country's laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The government offered alternatives to refugee claimants whose cases the Immigration and Refugee Board (IRB) refused. The option for judicial review through the federal courts exists. Two other remedies of last resort are available through the Department of Citizenship and Immigration, including a "preremoval risk assessment" as well as an appeal to the minister of citizenship and immigration for a waiver based on humanitarian and compassionate grounds.

The law authorizes the citizenship and immigration minister to identify designated countries of origin (DCOs) for the purpose of expedited asylum processing and to deter unfounded claims. Criteria for DCOs include countries that do not normally produce refugees but respect human rights and offer state protection or whose nationals have a high rate of rejection by the IRB and of abandoning or withdrawing asylum claims in Canada. Claimants from DCOs and persons who the IRB ruled have manifestly unfounded claims or claims with no credible basis have restricted access to appeal and other remedies of last resort. Claimants who arrive in the country in a manner designated by the minister as a mass or irregular arrival (in cases of suspected human smuggling) may be subject to detention (subject to review at legislated intervals) pending verification of their identity and admissibility, and they face restrictions on access to appeal and remedies of last resort if the IRB refuses their claims.

Durable Solutions: The government accepted refugees for resettlement from third countries and facilitated local integration (including naturalization), particularly of refugees in protracted situations. The government assisted the safe, voluntary return of refugees to their homes.

Temporary Protection: The government also provided temporary protection (in the form of Temporary Residence Permits) to persons who may not qualify as refugees. Fourteen individuals received this protection in 2013.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

The law provides citizens the ability to change their government through free and fair elections, which they exercised through elections based on universal suffrage.

#### **Elections and Political Participation**

Recent Elections: In May 2011 the Conservative Party won a majority of seats in the federal parliament and formed a national majority government.

Participation of Women and Minorities: As of July there were 79 women and seven indigenous individuals in the 308-member federal House of Commons; 40 members were born outside the country. There were 36 women and five indigenous persons in the 105-seat Senate (whose members are appointed by the governor general on the advice of the prime minister); 10 members were born outside the country. Women held 12 seats in the 39-member cabinet. Three of the nine members of the Supreme Court, including the chief justice, were women.

### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. There were isolated reports of government corruption during the year. At the federal level, the Federal Accountability Act provides for transparency and accountability in government. A commissioner for public-sector integrity reviews and investigates disclosures of wrongdoing and reprisal complaints. The commissioner also makes recommendations to chief executives for corrective measures and reports annually on corruption allegations. A commissioner of lobbying administers a national registry of lobbying of designated public officeholders. The Quebec provincial government has a specialized anticorruption unit to coordinate and investigate allegations of corruption in the province's public sector. Agencies operated effectively and independently, actively collaborated with civil society, and received sufficient resources.

Corruption: A Quebec law stipulates elected officials arrested for a crime and facing more than two years in prison must step down until the case is completed. The law also stipulates elected officials must cover their own legal fees.

In February the RCMP brought charges of fraud and breach of trust against Senator Patrick Brazeau and former senator Mac Harb related to their allegedly improper claims for reimbursement of housing expenses. Both individuals denied the charges, none of which had been proven in court. As of July an investigation into the allegedly improper claims for travel expenses of a third senator continued, and no charges had been made.

On July 21, the RCMP charged Senator Mike Duffy with 31 criminal counts of bribery, fraud, and breach of trust related to his claims for housing and travel expenses, awarding of contracts, and his acceptance of a C\$90,000 (\$82,200) check from the prime minister's former chief of staff to repay his allegedly improperly claimed expenses. The senator denied the charges, none of which had been proven in court. The RCMP closed its investigation into the actions of the former chief of staff who issued the payment without bringing charges.

As of July there were no developments in criminal charges brought against the interim mayor of Montreal in 2013 for fraud, breach of trust, and conspiracy in relation to real estate practices during his tenure as mayor of a Montreal borough. In December 2013 the government of Quebec lifted the trusteeship of the city of Laval, Quebec, imposed six months earlier after police brought charges of corruption and collusion related to municipal business against the former mayor of Laval and 36 city officials.

The Charbonneau Commission, a public inquiry ordered by the Quebec government in 2012, has a mandate to investigate allegations of corruption, collusion, and the involvement of organized crime in the awarding of contracts for public infrastructure projects. The commission investigated alleged organized crime links to municipal and provincial political parties and was scheduled to deliver a final report in April 2015. In February, Montreal nominated a newly established inspector general for the city to oversee city contracts. The city council unanimously accepted the nomination, which was authorized by the government of Quebec in June. The inspector general has a nonrenewable mandate of five years and employs 30 persons with a budget of C\$5 million (\$4.56 million).

Financial Disclosure: Conflict of interest and ethics commissioners administer conflict of interest codes for members of the federal elected House of Commons

and the appointed Senate, as well as the law relating to public officeholders. Members of the legislative branch are not required to disclose financial holdings but must recuse themselves from voting or conducting hearings on matters in which they have a pecuniary interest. By law public officeholders, including elected members of the executive branch and their staff and designated senior nonelected officials, must disclose information about their personal financial assets. These declarations, as well as an annual report, are made available to the public through regular reports from a commissioner for conflict of interest and ethics. The commissioner may impose an administrative monetary penalty for noncompliance, but the law does not provide for criminal sanctions. The declaration does not include assets and income of spouses and dependent children of public officeholders. Provincial governments provide independent audits of government business and ombudsman services.

Public Access to Information: The law permits public access to government information, and the government granted access for citizens and noncitizens, including foreign media. The law was implemented effectively, although the federal information commissioner expressed concern that the number of cases in which the government exceeded the legal timeline for processing had increased. The law provides for denial of legal requests for information on limited and specific grounds given and cited in law, a reasonably short timeline to disclose or respond, reasonable processing fees, and a mechanism to appeal denials, including to the federal courts. The law does not impose criminal or administrative sanctions for noncompliance. The government released quarterly information on the public expenditures of senior government officials and published expense information on individual ministerial websites and a centralized website.

### **Section 5. 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 met with them and were cooperative and responsive to their views.

Government Human Rights Bodies: Federal and provincial human rights commissions enjoyed government cooperation, operated without government or party interference, and had adequate resources. Observers considered them effective. Parliamentary human rights committees operated in the House of Commons and the Senate. The committees acted independently of government,

conducted public hearings, and issued reports and recommendations to which the government provided written, public, and timely responses. Most federal departments and some federal agencies employed ombudsmen. Nine provinces and one territory also employed ombudsmen. The government appointed the Indian Residential Schools Truth and Reconciliation Commission in 2008 to document allegations of abuse of Aboriginal children in residential schools.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The constitution and law prohibit discrimination based on race, gender, disability, language, social status, and sexual orientation. Provincial or territorial statutes in three provinces and one territory prohibit discrimination on the basis of gender identity. The government enforced these laws effectively.

### **Women**

Rape and Domestic Violence: The law criminalizes rape, including spousal rape, as sexual assault, and the government enforced the law effectively. Penalties for sexual assault carry sentences of up to 10 years in prison, up to 14 years for sexual assault with a restricted or prohibited firearm, and between four years and life for aggravated sexual assault with a firearm or committed for the benefit of, at the direction of, or in association with, a criminal organization. According to the government's statistical agency, in 2013 police received approximately 21,300 reports of sexual assault, sexual assault with a weapon causing bodily harm, and aggravated sexual assault (down from 21,900 in 2012). Most victims were women. Government studies indicated victims of sexual assault reported approximately one in 10 incidents to police. Statistics on the number of abusers prosecuted, convicted, and punished are not published by the federal government.

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, aggravated assault, intimidation, mischief, or sexual assault. Persons convicted of assault receive up to five years in prison. Assaults involving weapons, threats, or injuries carry terms of up to 10 years. Aggravated assault or endangerment of life carry prison sentences of up to 14 years. The government enforced the law effectively. Studies indicated that victims of domestic violence and spousal abuse underreported incidents, likely due to social stigma, fear of further violence, or retribution.

According to the government's statistical agency, Aboriginal women were three times more likely than non-Aboriginal women to experience violent abuse and were overrepresented among victims of homicide. On May 15, the RCMP reported 1,181 police-recorded incidents involving Aboriginal females between 1980 and 2012, of which 1,017 were homicide victims and 164 were considered missing. The review concluded that Aboriginal women were overrepresented among the country's murdered and missing women and that the total number of murdered and missing Aboriginal females exceeded previous public estimates. The RCMP ordered its divisions across the country to review all unresolved missing and homicide cases and report on their status by year's end. The RCMP maintained the National Centre for Missing Persons and Unidentified Remains to support law enforcement investigations and established projects with some municipal police forces to review outstanding files of missing women, including Aboriginal women.

In March the government committed C\$25 million (\$22.8 million) over five years to reduce violence against Aboriginal women and girls. Also in March a special House of Commons committee on violence against indigenous women issued a report on hearings it held in 2013 and 2014 into cases of murdered and missing Aboriginal women and girls and proposed solutions to address violence against indigenous women. The committee recommended the government undertake an awareness and prevention campaign focusing on violence against Aboriginal women and girls and provide greater support for families of victims and communities. Additionally, the committee recommended better coordination of police data, collection, and training and continued efforts to reduce human trafficking and the violence and harm associated with prostitution. Aboriginal leaders, Aboriginal nongovernmental organizations (NGOs), some provincial premiers, and federal opposition parties called for the federal government to establish a public inquiry to study the issue. The federal government declined the request on the basis that cases of murdered and missing Aboriginal women constituted crimes and were most appropriately addressed by police. On August 29, the country's premiers called for a national roundtable with federal government participation on murdered and missing Aboriginal women as an alternative to a formal public inquiry.

The government's statistical agency reported there were approximately 600 shelters and transition homes providing services to abused women. As of 2012 (the latest available figures), these facilities provided 11,820 beds. Shelters provided emergency care, transition housing, counseling, and referrals to legal and social service agencies. Some shelters were located on Aboriginal reserves and

served an exclusively Aboriginal population. Shelters in rural and remote areas generally offered a narrower range of services than urban facilities, and a greater proportion focused on short-stay crisis intervention. Reports indicated a shortage of shelter spaces, trained staff, counseling, and access to affordable second-stage housing, all of which impeded women from leaving abusive relationships.

Police received training in treating domestic violence victims, and agencies provided abuse hotlines. The government's Family Violence Initiative involved 15 federal departments, agencies, and crown corporations, including Status of Women Canada, Health Canada, and Justice Canada. These entities worked to eliminate systemic violence against women and advance women's human rights. Provincial and municipal governments also sought to address violence against women, often in partnership with civil society, including funding public education programs, hotlines, and shelters.

The federal government awarded grants of almost C\$4 million (\$3.65 million) to 21 organizations for projects to address violence against women on university and college campuses between November 2012 and November 2014.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C and prosecutes the offense as aggravated assault with a maximum penalty of 14 years' imprisonment. Persons committing or aiding another person to commit the offense may also be charged with criminal negligence causing bodily harm (maximum penalty of 10 years' imprisonment) or criminal negligence causing death (maximum penalty of life imprisonment). Persons convicted of removing or assisting the removal of a child who is ordinarily a resident in Canada for the purpose of having FGM/C performed on the child face a maximum penalty of five years' imprisonment. Refugee status may be granted on the grounds of threatened FGM/C that may be considered gender-related persecution. Provincial child-protection authorities may intervene to remove children suspected at risk of FGM/C from their homes.

Although reliable statistics on the incidence of the practice were not available, there were a few reports that FGM was practiced, particularly among immigrant communities. Anecdotal evidence also suggested some families from immigrant communities in which FMG is culturally accepted send their daughters abroad to have the procedure performed.

Other Harmful Traditional Practices: The criminal code does not refer to "honor" killings but prosecutes such cases as murder. Murder convictions in the first or

second degree carry minimum penalties of life imprisonment with eligibility for parole. The government enforced the law effectively. The government's citizenship guide for new immigrants explicitly states that "honor" killings and gender-based violence carry severe legal penalties. The government trains law enforcement officials on issues of "honor"-based violence and maintains an interdepartmental working group focusing on forced marriage and "honor"-based violence.

In May the British Columbia Supreme Court ordered the extradition of a mother and uncle of a female family member on charges they ordered the alleged "honor" killing of the woman and her husband in India in 2000. The accused appealed the order, which remained pending as of August.

Sexual Harassment: The law does not contain a specific offense of "sexual harassment" but criminalizes harassment (defined as stalking), punishable by up to 10 years' imprisonment, and sexual assault, with penalties ranging from 10 years for nonaggravated sexual assault to life imprisonment for aggravated sexual assault. The government generally enforced these prohibitions. Federal and provincial labor standards laws provide some protection against harassment, and federal, provincial, and territorial human rights commissions have responsibility for investigating and resolving harassment complaints. Employers, companies, unions, educational facilities, professional bodies, and other institutions have internal policies against sexual harassment, and federal and provincial governments provide public education and advice.

Reproductive Rights: Couples and individuals enjoy the right to decide freely and responsibly the number, spacing, and timing of their children and to obtain the information and means to do so without government interference. Couples are entitled to attain the highest standard of reproductive health free from discrimination, coercion, and violence. The publicly funded medical system provided access to contraceptive services and information, prenatal care, skilled health attendance during pregnancy and childbirth, essential obstetric care and postpartum care, and emergency health care, including services for the management of complications arising from abortion.

Discrimination: Women have marriage, property, inheritance, and labor rights and enjoy the same legal status and rights in the judicial system as men. They were well represented in the labor force, including in business and the professions. Nevertheless, women experienced some economic discrimination in terms of employment, credit, or pay equity for substantially similar work, or in owning or

managing businesses, education, and housing. According to reliable nongovernmental sources, women represented 37 percent of legislators, senior officials, and managers; labor groups also reported that women were underrepresented in executive positions in the private sector. The government's statistical agency reported that hourly wages for women were, on average, lower than for men but that the wage gap had narrowed over the past two decades.

Status of Women Canada promoted the legal rights of women. Employment equity laws and regulations cover federal employees in all but the security and defense services, and provincial law requires equal pay for equal work in the public sector and, in some provinces, also in the private sector. Aboriginal women living on reserves (where land is held communally) have matrimonial property rights. First Nations may choose to follow federal law or enact their own rules related to matrimonial real property rights and interests that respect their customs.

Aboriginal women and men living on reserves are subject to the Indian Act, which defines Indian status for the purposes of determining entitlement to a range of legislated rights and eligibility for federal programs and services. Aboriginal women do not enjoy full equality rights with aboriginal men to transmit officially recognized Indian status to their descendants.

## **Children**

Birth Registration: Citizenship is derived both by birth within the country's territory and from one's parents. Births are registered immediately, and there were no reports of the government's denying public services, such as education or health care, to those who failed to register.

Child Abuse: In 2012 (the latest available figures) the government's statistical agency recorded that 65,677 children and youth were victims of police-reported violent crime, including 14,055 child victims of sexual offenses. Studies indicated that family members or individuals known to the victim represented the vast majority of the offenders. Most victims were ages 12 to 17 years, and girls were disproportionately victims of family violence, especially in sexual assault cases. The law criminalizes violence and abuse against children, including assault, sexual exploitation, child pornography, abandonment, emotional maltreatment, and neglect. Provincial and territorial child welfare services investigate cases of suspected child abuse and may provide counseling and other support services to families, or place children in child welfare care, where warranted. The federal Family Violence Initiative promotes awareness of family violence; works with

research and community organizations to strengthen the capacity of criminal justice, housing, and health systems to respond to family violence; and supports data collection and research. Provincial and territorial governments also provide public education and prevention services, often in partnership with civil society.

Early and Forced Marriage: The legal minimum age of marriage varies by province or territory. The legal minimum age of marriage in Quebec is 16 years, but other provinces set the legal minimum age of marriage at either 18 or 19 years. Minors age 16, but below the legal minimum age of marriage in their province or territory of residence, may marry with the written consent of a parent or guardian or with judicial consent. Some provinces permit girls under age 16 to marry with judicial consent if they provide written evidence from a licensed physician that they are the mother of a living child or are pregnant. Boys under age 16 may not legally marry. The rate of marriage for individuals under age 18 was unavailable, but early marriages were not known to be a major problem.

A 2013 Ontario study on forced marriage reported 219 cases between 2010 and 2012 in the province, in which 97 percent of the victims were women, and 81 percent were between 16 and 34 years of age. The report identified culture, honor, money, and immigration as motives for forced marriage.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C. Although reliable statistics on the incidence of the practice were not available, there were a few reports that some immigrant communities practiced FGM. Anecdotal evidence also suggested some families from immigrant communities in which FMG is culturally accepted send their daughters abroad to have the procedure performed.

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation of children, and authorities enforced the law effectively. The minimum age of consensual sex is 16 years. Persons convicted of living off the proceeds of prostitution of a child under age 18 face between two and 14 years' imprisonment. Persons who aid, counsel, compel, use, or threaten to use violence, intimidation, or coercion in relation to a child under age 18 engaging in prostitution face between five and 14 years' imprisonment. Persons who solicit or obtain the sexual services of a child under age 18 face between six months' and five years' imprisonment. Children, principally teenage females, were exploited in sex trafficking.

The law prohibits accessing, producing, distributing, and possessing child pornography. Maximum penalties range from 18 months' imprisonment for summary offenses to 10 years' imprisonment for indictable offenses.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance at [travel.state.gov/content/childabduction/english/legal/compliance.html](http://travel.state.gov/content/childabduction/english/legal/compliance.html), as well as country-specific information at <http://travel.state.gov/content/childabduction/english/country/canada.html>.

### **Anti-Semitism**

Approximately 1 percent of the population is Jewish.

The B'nai Brith Canada League for Human Rights received 1,274 reports of anti-Semitic incidents in 2013, down 5.3 percent from 2012. More than half of the reports (714) came from the province of Ontario. The reports included harassment, vandalism, and violence against persons, as well as attacks on synagogues, private homes, and community centers. Jewish students reported 89 cases of anti-Semitic incidents on university campuses, compared with 79 in 2012; another 59 cases involved primary and secondary school settings, compared with 79 in 2012. B'nai Brith also received 434 reports of web-based hate activity, compared with 521 in 2011.

On April 21, unknown vandals painted swastikas and racist graffiti on a synagogue and, in separate incidents on April 24 and 25, on four nearby schools in Calgary. Calgary police deemed the incidents hate crimes and opened an investigation that continued as of September.

In May unknown individuals scrawled swastikas and racist graffiti on buildings and public signs in seven locations in Victoria and Saanich, British Columbia. Police opened a hate crime investigation that continued as of September.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/](http://www.state.gov/j/tip/).

### **Persons with Disabilities**

The constitution and law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care or the provision of other state services, and the government effectively enforced these prohibitions. Although the government effectively implemented laws and programs mandating access to buildings, information, and communications for persons with disabilities, the absence of uniform standards across the country created disparities in standards of access between provinces.

Children with disabilities attended primary, secondary, and higher education, and the majority attended classes with nondisabled peers or a combination of nondisabled and special education classes with parental consent. Disparities in educational access for students with disabilities existed between provinces and among school boards within provinces. Policy differences included type of services, criteria to determine eligibility, allocation of resources, access to inclusive versus segregated classes or facilities, and the number of teachers, teacher's aides, and therapists. Ontario offered the greatest access, with 48.7 percent of children with disabilities ages five to 14 years in the province receiving some form of special education service, while only 21.8 percent received services on Prince Edward Island, according to a 2006 study by the government's statistical agency. The proportion of such children receiving a special education service nationwide was 43.1 percent.

Disability rights NGOs reported that persons with disabilities experienced higher rates of unemployment and underemployment, lower rates of job retention, and higher rates of poverty and economic marginalization than their nondisabled peers.

Federal and provincial human rights commissions protected and promoted respect for the rights of persons with disabilities. The government provided services and monetary benefits, but disability groups noted a lack of coordination among services. Facilities existed to provide support for those with mental health disabilities, but mental health advocates asserted that the prison system was not sufficiently equipped or staffed to provide the care necessary for those in the criminal justice system, resulting in cases of segregation and self-harm.

In June the Ontario human rights commission issued the country's first comprehensive policy guidelines for accommodating persons with mental health disabilities and addictions. The policy sets out the obligations of landlords,

employers, service providers, and others under the provincial human rights code as well as informs persons with disabilities of their legal rights.

Also in June the Quebec human and youth rights commission launched a series of informational videos in Quebec and American sign languages to inform persons with hearing disabilities of their rights.

### **National/Racial/Ethnic Minorities**

According to the government's statistical agency, 1,414 incidents of hate crimes were reported to police in 2012 (an increase of 6 percent from 2011), of which 51 percent were motivated by race or ethnic bias. Blacks constituted the most commonly targeted racial group, accounting for 21 percent of the total. A detailed breakdown of victims of hate crime incidents by ethnic origin (except black) was not available. The proportion of hate crimes involving violence, including assault and uttering threats, fell to 31 percent (from 39 percent in 2011). The law prohibits discrimination on the basis of race. Federal, provincial, and territorial human rights commissions investigate complaints and raise public awareness. The federal Canadian Race Relations Foundation coordinates and facilitates public education and research and develops recommendations to eliminate racism and promote harmonious race relations.

### **Indigenous People**

Indigenous people constituted approximately 4.3 percent of the national population and higher percentages in the country's three territories: Yukon, 23 percent; Northwest Territories, 52 percent; and Nunavut, 86 percent. Disputes over land claims, self-government, treaty rights, taxation, duty-free imports, fishing and hunting rights, and alleged police harassment were sources of tension. Indigenous people remained underrepresented in the workforce; overrepresented on welfare rolls and in prison populations; and more susceptible to suicide, poverty, chronic health conditions, and sexual violence than other groups. According to the government's statistical agency, Aboriginal children accounted for almost 50 percent of the approximately 30,000 children in foster care in 2011.

The law recognizes and specifically protects indigenous rights, including those established by historical land claims settlements. Treaties with indigenous groups form the basis for the government's policies in the eastern part of the country, but there were legal challenges to the government's interpretation and implementation of treaty rights. Indigenous groups in the western part of the country 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, depended on negotiation or legal challenges. As of February approximately 385 unresolved specific claims or grievances filed by indigenous people regarding the implementation of treaties remained under assessment or in negotiation (not including claims in litigation or before the Specific Claims Tribunal, which is a judicial panel), according to government reports. As of March the government reported that negotiations for 100 self-government and comprehensive land claims were active. Indigenous groups that cannot settle specific claims through negotiation within a three-year period may refer the claim to the Specific Claims Tribunal or the courts for a decision.

The law imposes statutory, contractual, and common-law obligations to consult with Aboriginal peoples in the development and exploitation of natural resources on land covered by treaty or subject to land claims. According to a Supreme Court ruling, the federal government has the constitutional duty to consult and, where appropriate, accommodate indigenous peoples when the government contemplates actions that may adversely affect potential or established Aboriginal and treaty rights.

On May 12, the UN special rapporteur on indigenous rights issued a report based on his 2013 visit to the country in which he described disparities in housing, education, health, and living conditions between Aboriginal and non-Aboriginal people as a "continuing crisis." Although he acknowledged "notable efforts" by the government to improve the social and economic well-being of indigenous people, he reported little progress had occurred since a previous UN rapporteur's visit in 2004.

On June 26, the Supreme Court recognized the Aboriginal claim title to 675 square miles of territory in British Columbia by the Tsilhqot'in First Nation, a seminomadic Aboriginal people. This was the first time a court granted a claim to Aboriginal title and clarified the criteria for proving it. Previously, claims to Aboriginal title were established exclusively through negotiation between Aboriginal peoples and the federal and provincial governments. The court also confirmed that Aboriginal title confers on the group that holds it the exclusive right to decide how the land is used and the right to benefit from those uses, subject to the restriction that the uses must be consistent with the group nature of the interest and the enjoyment of the land by future generations. The landmark decision expands the scope of territory eligible to be claimed by indigenous groups to lands

which they assert their peoples used for hunting, fishing, and other activities prior to and after contact with Europeans. Previous court decisions had limited claims of Aboriginal title to individual settlement sites. The court determined that provincial and federal governments may infringe on title to develop natural resources on land subject to Aboriginal title. The government added a new obligation, however, to obtain prior consent of the Aboriginal titleholders, in addition to existing constitutional duties to consult, and where necessary, accommodate Aboriginal peoples in matters that affect their rights. The obligation to seek consent extends to lands to which Aboriginal peoples do not hold title but to which they potentially have title and are subject to a land claim. If governments cannot obtain consent, the court ruled that they could proceed with resource development only on the basis of a “compelling and substantial objective” in the public interest in which the public interest is proportionate to any adverse effect on the Aboriginal interest.

On July 11, the Supreme Court confirmed that provincial governments have the authority to issue permits for exploitation of natural resources on Aboriginal treaty lands. The court rejected a claim by the Grassy Narrows First Nation that such permits also require the approval of the federal government.

In April the Federal Court of Appeal upheld a 2013 federal court ruling that Metis (persons of mixed Aboriginal and European heritage whom the government does not recognize as indigenous under the Indian Act that defines Indian status) are “Indians” under the constitution and are a direct federal responsibility. The ruling did not specify federal obligations, but Metis anticipated that the judgment could lead to access to federal benefits and services restricted to status Indians; hunting, fishing, and trapping rights; and the ability to enter or negotiate treaties with the federal government. The 2013 federal court ruling had also recognized nonstatus Indians (persons who claim Aboriginal identity) together with Metis as “Indians” under the law, but the court found that the recognition did not apply to nonstatus Indians. In June the Metis National Council sought leave to appeal the exclusion of nonstatus Indians to the Supreme Court.

### **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

The law prohibits discrimination based on sexual orientation, and the criminal code provides penalties for crimes motivated by bias, prejudice, or hate based on personal characteristics, including sexual orientation. Manitoba and the Northwest Territories prohibit discrimination on the basis of gender identity, and Ontario,

Nova Scotia, and Newfoundland and Labrador prohibit discrimination on the basis of gender identity and gender expression. Birth certificates issued by provinces and territories provide the basis of identification for legal documents, and procedures vary for changing legal gender markers to match an individual's outward appearance or chosen gender expression. Ontario permits individuals to change their gender designation on Ontario birth certificates with written confirmation from a physician that the applicant's gender identity does not conform to his or her sex designation at birth. In April, British Columbia passed legislation to permit the change of legal gender markers with written confirmation from a physician that the birth registration does not correspond with the applicant's gender identity and a declaration from the applicant of his or her intent to maintain the gender identity that corresponds with the desired sex designation. Other provinces and territories require one or more physicians to certify that the applicant has completed gender reassignment surgery before an applicant may change the legal gender marker.

Lesbian, gay, bisexual, and transgender (LGBT) organizations operated independently and without restriction. There was no official discrimination based on sexual orientation in employment and occupation, housing, statelessness, or access to education or health care.

There were occasions of violence and abuse against individuals based on sexual orientation, but the government generally implemented the law criminalizing such behavior effectively. NGOs reported that stigma or intimidation was a known or likely factor in the underreporting of incidents of abuse. Some police forces employed LGBT liaison officers, and Toronto police collaborated with community organizations to develop public awareness campaigns to encourage reporting of harassment and abuse. In 2012 the government's statistical agency reported that 13 percent (185) of police-reported hate crime incidents nationally were motivated by sexual orientation.

### **Other Societal Violence or Discrimination**

There were no known reports of societal violence or discrimination against persons with HIV/AIDS. Courts generally interpreted prohibitions against discrimination on the basis of disability in federal and provincial human rights statutes to include discrimination against persons with HIV/AIDS.

There were no reports of societal violence or discrimination against members of minority groups, racial, or religious groups, other than anti-Semitism.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

Federal and some provincial laws, including related regulations and statutory instruments, provide for the right of workers in both the public and the private sectors to form and join independent unions, conduct legal strikes, and bargain collectively. Workers in the public sector who provide essential services, including police and armed forces, do not have the right to strike but have mechanisms to provide for due process and protect workers' rights. Workers in essential services had recourse to binding arbitration if labor negotiations failed. The law prohibits antiunion discrimination and provides for reinstatement for workers fired for union activity. There were no reports of antiunion discrimination or other forms of employer interference in union functions.

Federal labor law applies in federally regulated sectors, which include industries of extraprovincial or international character, transportation and transportation infrastructure that crosses provincial and international borders, marine shipping, port and ferry services, air transportation and airports, pipelines, telecommunications, banks, grain elevators, uranium mining and processing, works designated by parliament affecting two or more provinces, protection of fisheries as a natural resource, many First Nation activities, and most crown corporations. These industries employed approximately 10 percent of workers.

Changes to federal law in 2013 grant the government exclusive authority to designate which federal employees provide an essential service and do not have the right to strike. They also make it illegal for an entire bargaining unit to strike if the government deems 80 percent or more of the employees of the unit essential. Previously, unions and the government negotiated the number of essential employees and referred the matter to the Public Service Labor Relations Board if they could not agree.

Provincial and territorial governments regulate and are responsible for enforcing their own labor laws in all occupations and workplaces not federally regulated, leaving categories of workers excluded from statutory protection of freedom of association in several provinces. Additionally, some provinces restrict the right to strike. For example, agricultural workers in Alberta, Ontario, and New Brunswick do not have the right to organize or bargain collectively under provincial law.

The government effectively enforced applicable laws and regulations in a timely fashion, including with effective remedies and penalties, and respected freedom of association and the right of collective bargaining. Administrative and judicial procedures were not subject to lengthy delays and appeals.

Labor rights organizations and unions continued to raise concerns about federal and provincial government intent to interfere with collective bargaining rights. In March the Public Service Alliance of Canada, the country's largest public-sector union, filed suit against the federal government over changes to the law passed in 2013. The union alleged that the law allows the government to prohibit more workers from striking than necessary to maintain essential operations and violates constitutionally protected rights to collective bargaining and freedom of association. The suit asked the court to overturn the law and reopen collective agreements negotiated while the amended law remained in force.

In May the government of Nova Scotia and the General Employees Union filed a statement of claim in the Nova Scotia Supreme Court against a provincial law passed in March that ended a strike by home-support workers. The law prohibits the workers from striking until the union and employer agree which workers should be designated essential. The union argued that the law's definition of essential services was overly broad and provided no time limit to negotiate an essential services agreement.

There were no reports of antiunion discrimination or other forms of employer interference in union functions.

## **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor, and the government effectively enforced the law. The law prescribes penalties for violations of up to 14 years' imprisonment, or life imprisonment in the case of certain aggravating factors, such as kidnapping or sexual assault. Such penalties were sufficiently stringent. During the year the government investigated and prosecuted cases of forced labor and domestic servitude.

The federal government held employers of foreign workers accountable by verifying employers' ability to pay wages and provide accommodation and, through mandatory compliance reviews, ensuring that employers provided substantially the same wages, living conditions, and occupation specified in the employers' original job offer. The government could deny noncompliant

employers permits to recruit foreign workers for two years, although it did not report on whether it had done so during the year. Some provincial governments imposed licensing and registration requirements on recruiters or employers of foreign workers and prohibited the charging of recruitment fees to workers.

On June 20, the federal government announced reforms to the federal temporary foreign worker program, including hiring 20 additional federal labor inspectors, increasing inspections to one in four employers per year, raising the employer-payable application fee for each foreign worker, imposing fines of up to C\$100,000 (\$91,300) for employer abuses of the program, and providing additional funding for the federal border agency for criminal investigations. As of October the government continued to hire additional inspectors and make structural changes to these programs.

There were reports that employers subjected noncitizen or foreign-born men and women to forced labor in the agricultural sector, food processing, cleaning services, hospitality, and construction industries and in domestic service. NGOs reported that bonded labor, particularly in the construction industry, and domestic servitude constituted the majority of cases of forced labor.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/](http://www.state.gov/j/tip/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

There is no federal minimum age for employment. In federally regulated sectors, children under 17 may work only when not required to attend school under provincial legislation, provided the work does not fall under excluded categories (such as work underground in a mine, on a vessel, or in the vicinity of explosives), and the work does not endanger health and safety. Children may not work in any federally regulated sector between the hours of 11 p.m. and 6 a.m. The provinces and territories have primary responsibility for regulation of child labor, and minimum age restrictions vary by province. Regulation occurs across a range of laws including employment standards, occupational health and safety, education laws, and in regulations for vocational training, child welfare, and licensing of establishments for the sale of alcohol. Most provinces restrict the number of hours of work to two or three hours on a school day and eight hours on a non-school day and prohibit children ages 12 to 16 from working without parental consent, after 11 p.m., or in any hazardous employment.

Authorities effectively enforced child labor laws and policies, and federal and provincial labor ministries carried out child labor inspections either proactively or in response to formal complaints. There were reports that limited resources hampered inspection and enforcement efforts. Penalties were pecuniary and varied according to the gravity of the offense.

There were reports that child labor occurred, particularly in the agricultural sector. There were also reports that children, principally teenage females, were subjected to sex trafficking and commercial sexual exploitation (see section 6, Children).

#### **d. Discrimination with Respect to Employment or Occupation**

The law and regulations prohibit discrimination with respect to employment or occupation on the basis of race, gender, disability, language, sexual orientation and/or gender identity, HIV-positive status or other communicable diseases, or social status. Some provinces, including Quebec, New Brunswick, and Newfoundland and Labrador, as well as the Northwest Territories, prohibit employment discrimination on the grounds of social origin, “social condition,” and political opinion. Federal law requires equal pay for equal work for four designated groups in federally regulated industries enforced through the Canadian Human Rights Commission on a complaint basis: women, persons with disabilities, Aboriginal people, and visible minorities. Ontario and Quebec have pay equity laws that cover both the public and private sectors, and other provinces require pay equity only in the public sector.

Authorities encouraged individuals to resolve employment-related discrimination complaints through internal workplace dispute resolution processes as a first recourse, but federal and provincial human rights commissions investigated and mediated complaints and enforced the law and regulations. The government enforced the law effectively, but some critics complained that the process was complex and failed to issue rulings in a timely manner. Foreign migrant workers have the same labor rights as citizens and permanent residents, although NGOs alleged that discrimination occurred against migrant workers.

#### **e. Acceptable Conditions of Work**

Provincial and territorial minimum wage rates ranged from C\$9.95 to C\$11.00 (\$9.10 to \$10.05) per hour as of September. There is no official poverty income level. Some provinces exempt agricultural, hospitality, and other specific categories of workers from minimum wage rates. For example, Ontario has a

minimum wage for youths under age 18 who work less than 28 hours per week when school is in session, which is lower than the respective minimum for adult workers.

Standard work hours vary by province, but in each 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. Entitlement to paid annual leave varies by province, but the law requires a minimum of 10 days' paid annual leave per year (or payment of 4 percent of wages in lieu) after one year of continuous employment. Some provinces mandate an additional week of paid leave to employees who have completed a specified length of service. 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 by industry. Some categories of workers have specific employment rights that differ from the standard, including commercial fishermen, oil field workers, loggers, home caregivers, professionals, managers, and some sales staff.

Federal law provides safety and health standards for employees under federal jurisdiction, while provincial and territorial legislation provides for all other employees, including foreign and migrant workers. Standards were current and appropriate for the industries they covered. 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. The government also promoted safe working practices and provided training, education, and resources through the Canadian Centre for Occupational Health and Safety, a federal agency composed of representatives of government, employers, and labor.

Federal and provincial labor departments monitored and effectively enforced labor standards by conducting inspections through scheduled and unscheduled visits, in direct response to reported complaints, and at random. Penalties were pecuniary and varied according to the gravity of the offense. Under the federal labor code, maximum penalties for criminal offenses, including criminal negligence causing death or bodily harm, or willful breach of labor standards in which the person in breach knew that serious injury or death was likely to occur, could include imprisonment. Enforcement measures included a graduated response, with a preference for resolution via voluntary compliance, negotiation, and education; prosecution and fines served as a last resort. Some trade unions continued to note that limited resources hampered the government's inspection and enforcement efforts.

NGOs reported that migrants, new immigrants, young workers, and the unskilled were vulnerable to violations of the law on minimum wage, overtime pay, unpaid wages, and excessive hours of work. NGOs also alleged that restrictions on the type of labor complaints accepted for investigation and delays in processing cases discouraged the filing of complaints.

According to the Association of Workers Compensation Boards of Canada, during 2012, the most recent year for which data were available, there were 977 workplace fatalities. During the year there were some reports of workplace accidents. For instance, on July 19, a 16-year-old worker died after he became entangled in a conveyer belt at a gravel-crushing site in Alberta.