

CANADA 2015 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Canada is a constitutional monarchy with a federal parliamentary government. In a free and fair multiparty federal election held in October, the Liberal Party, led by Justin Trudeau, won a majority of seats in the federal parliament and formed a government. Civilian 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 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.

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 2013-14 there were approximately 37,800 inmates, pretrial detainees, and remand prisoners in federal and provincial correctional institutions, which had an official capacity of 38,604. The national double-bunking rate (the practice of confining two inmates in a cell designed for one) in federal facilities was 19.2 percent in 2013-14.

The federal correctional investigator's report for 2013-14 identified increasing recourse to "administrative segregation" or solitary confinement by federal correctional services to manage crowded institutions and high-needs inmates as a concern. The correctional investigator, an independent prison ombudsman, urged authorities to cap the time inmates spend in segregation and to develop a policy framework to guide the use of segregation. In January civil liberties and prisoners' rights groups filed separate constitutional challenges in the British Columbia Supreme Court and the Ontario Superior Court against the federal government for its practice of solitary confinement in federal institutions. The groups alleged that prolonged segregation violates constitutional rights to life, liberty, and security of the person; constitutes cruel and inhumane treatment; and discriminates against mentally ill and aboriginal inmates. In March the Ontario government announced it would review the use of solitary confinement in its provincial correctional system. In August a report by the Ontario advocate for children and youth stated Ontario's use of solitary confinement for periods of more than 24 hours in provincial youth detention facilities falls short of international standards and called for a ban on the practice.

The Correctional Investigator's Office reported 23 non-natural deaths (including suicide) in federal custody in 2013-14, the latest available figures. The report also cited that Aboriginals continued to be overrepresented in the prison system. The press reported three deaths in federal prisons in Nova Scotia during the year, the same number as in the previous five years combined.

Administration: Independent authorities investigated credible allegations of inhuman behavior and documented the results of such investigations in a publicly accessible manner.

Independent Monitoring: The government permitted visits by independent nongovernmental human rights observers.

Improvements: In March the Ontario government released recommendations to reform screening and treatment protocols for female inmates with mental illness in

provincial jails and improve training for staff. The recommendations formed part of a 2013 human rights settlement awarded to a female inmate who argued the province discriminated against her by failing to treat her mental illness and placing her in solitary confinement. Ontario's Ministry of Community Safety and Correctional Services had until September 2016 to implement the recommendations.

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 authorities. The Canada Border Services Agency reports to the Department of Public Safety and Emergency Preparedness and is responsible for enforcing immigration law. 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 of impunity involving the security forces during the year. 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 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 the detainee was 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.

In July the government amended the law to permit judges to issue preemptive peace bonds and apprehend individuals who authorities reasonably believe may carry out terrorist activities. Judges may also issue recognizances to detain persons and impose bail conditions if authorities deem the restrictions likely to prevent terrorist activity. Authorities may hold persons under preventive detention under recognizance for up to seven days, subject to periodic judicial review. Restrictions may include limits on travel and surrender of passports. Use of peace bonds and recognizance for counterterrorism purposes is subject to annual reporting requirements to the federal parliament.

Pretrial Detention: Authorities released detainees immediately after they were 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.

The government may detain or deport noncitizens on national security grounds with an immigration security certificate. 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. 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 the evidence 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. 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 may 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 and adequate time and facilities to prepare a defense. 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. Independent media, an effective judiciary, and a functioning democratic political system combined to promote freedom of speech and press.

Freedom of Speech and Expression: 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. The court has also 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. A 2014 Supreme Court ruling requires police to seek a search warrant to obtain subscriber data from internet service providers to identify customers under investigation by law enforcement.

Approximately 99 percent of households could access broadband services. According to the World Bank, 87.1 percent of the population used the internet in 2014.

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/j/drl/irf/rpt/.

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: The minister of citizenship and immigration may revoke the citizenship of native-born dual nationals who are 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 "pre-removal 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 countries' nationals have a high rate of rejection by the IRB and regularly abandon

or withdraw asylum claims in Canada. Claimants from DCOs and persons the IRB ruled have manifestly unfounded claims or claims with no credible basis have restricted access to appeal and other remedies of last resort. On July 23, the Federal Court struck down the DCO process as unconstitutional on the basis that limited access to appeal discriminated against claimants from DCO countries. The government appealed the ruling and extended right of appeal to failed claimants from DCOs whose cases were rejected on or after July 23, pending a decision by a higher court. The government's appeal remained pending as of October.

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. 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.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections based on universal and equal suffrage, and citizens exercised that ability.

Elections and Political Participation

Recent Elections: In October the Liberal Party won a majority of seats in the federal parliament and formed a national government following a free and fair election.

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.

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.

On April 7, the trial of Senator Mike Duffy opened. The case addressed 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 (\$68,400) check from the prime minister's former chief of staff to repay allegedly improperly claimed expenses. The senator denied the charges, none of which had been proven in court. The trial continued as of November.

The court scheduled for 2016 the trials of Senator Patrick Brazeau and former senator Mac Harb, charged in 2014 with fraud and breach of trust.

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 November.

In 2014 Montreal established an inspector general office to investigate public corruption. In May the inspector general reported that in 2014 the city's whistleblower hotline received nearly triple the number of complaints about wrongdoing in Montreal than in previous years.

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 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. 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. Although the law was implemented effectively, in March the federal information commissioner recommended changes to modernize and strengthen the law, including extension of the law's scope to cover the Prime Minister's Office and other government institutions that are exempt. The commissioner also expressed concern that the number of cases in which the government exceeded the legal timeline for processing had increased. The law provides for the 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 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 the commissions 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.

In May the Truth and Reconciliation Commission into Indian Residential Schools, appointed in 2008 to document allegations of abuse of Aboriginal children in residential schools, presented a summary report and recommendations. It was to

issue its full report later in the year and was scheduled to terminate operations by the end of the year, as specified in its mandate.

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

The constitution and law prohibit discrimination based on race, sex, religion, political opinion, national origin or citizenship, social origin, disability, sexual orientation, age, language, HIV-positive status, or other communicable diseases. Provincial or territorial statutes in seven 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 2014 police received approximately 20,735 reports of sexual assault, sexual assault with a weapon or causing bodily harm, and aggravated sexual assault (down from 21,300 in 2013). Most victims were women. Government studies indicated victims of sexual assault reported approximately one in 10 incidents to police. The federal government does not publish statistics on the number of abusers prosecuted, convicted, and punished.

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, according to the RCMP, were four times more likely to be victims of homicide. In

June the RCMP reported that in 2013 and 2014, there were 32 Aboriginal female homicide cases and 11 missing females; Aboriginal women continued to be disproportionately represented among the country's homicide and missing persons cases. Following a 2014 report that the number of missing and allegedly murdered Aboriginal females exceeded previous estimates, the RCMP determined that there were 225 unresolved cases. As of September the RCMP resolved 21 cases by bringing charges (10 cases), confirming a suspect's death (two cases), locating missing Aboriginal females (six cases), or reclassifying homicides as death by another cause (three cases). The RCMP maintained the National Centre for Missing Persons and Unidentified Remains to support law enforcement investigations, and it established projects with some municipal police forces to review outstanding files of missing women, including Aboriginal women. The RCMP conducted two awareness-raising campaigns during the year to prevent violence against Aboriginal women and girls.

In February the country's premiers and territorial leaders, Aboriginal leaders, and the Status of Women and Aboriginal Affairs ministers participated in a national roundtable on missing and murdered Aboriginal women. In June the House of Commons Standing Committee on the Status of Women issued a report on local and international best practices to prevent violence against women. The report made 11 recommendations to the government based on expert testimony on local and international best practices. Aboriginal leaders called for a national inquiry into murdered and missing Aboriginal women and girls.

In October, 12 Aboriginal individuals, mostly women, in the northwestern Quebec community of Val d'Or, alleged that nine members of the provincial police sexually assaulted them, gave them money and drugs for sexual services, physically abused them, or drove them out of town in the winter and forced them to walk back to their homes in the cold. The provincial government placed eight members of the force on administrative leave pending an investigation. The ninth member died earlier in the year.

The government's statistical agency reported there were approximately 625 shelters and transition homes providing services to abused women. 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 shortages of

shelter spaces, trained staff, counseling, and access to affordable second-stage housing. These shortages 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 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 and services, hotlines, and shelters.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C for women and girls 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 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 were not available, there were a few reports that FGM/C occurred, particularly among immigrant communities. Anecdotal evidence also suggested some families from immigrant communities in which FGM/C is culturally accepted send their daughters abroad to have the procedure performed.

Other Harmful Traditional Practices: The criminal code does not specifically refer to "honor" killings, but it 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 June the government passed legislation that limited the defense

of “provocation” so that it would not apply in cases of “honor” killings and many cases of spousal homicide.

An appeal of an extradition order from the British Columbia Supreme Court by 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 remained pending as of October.

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 non-aggravated 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 the number, spacing, and timing of their children; manage their reproductive health; and have access to the information and means to do so, free from discrimination, coercion, or violence.

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 reported that women were underrepresented in executive positions in the private sector. Seven provinces and two territories require private sector companies to report annually on their efforts to increase the number of women appointed to executive corporate boards. 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.

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. While these laws provide some legal protection, the Native Women's Association of Canada stated First Nations communities needed more resources for policing, shelters, increased family support, training, and capacity building to implement them more effectively and enable better access to the justice system to enforce them.

Aboriginal women and men living on reserves are subject to the Indian Act, which defines 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 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 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. 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: In June the government passed legislation establishing 16 years as the legal minimum age of marriage. The rate of marriage for individuals under age 18 was unavailable, but early marriages were not known to be a major problem. In June the government criminalized the removal of a child

from the country for the purpose of early and forced marriage and created a court-ordered peace bond, which may include surrendering of a passport, to disrupt an attempt to remove a child for that purpose.

Female Genital Mutilation/Cutting (FGM/C): See Women above.

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 younger than 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 younger than 18 engaging in prostitution face between five and 14 years' imprisonment. Persons who solicit or obtain the sexual services of a child younger than 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/en/legal/compliance.html, as well as country-specific information at travel.state.gov/content/childabduction/en/country/canada.html.

Anti-Semitism

Approximately 1 percent of the population is Jewish.

The B'nai Brith Canada League for Human Rights received 1,627 reports of anti-Semitic incidents in 2014, up 28 percent from 2013, the highest annual number of incidents the organization had ever recorded. More than half of the reports (961) came from the province of Ontario. Reports in 2014 included harassment (1,370 incidents, an increase), vandalism (238 incidents, a decline), and violence against persons (19 incidents, an increase), as well as attacks on synagogues, private homes and property, and community centers. For example, on February 23, unknown vandals in Montreal painted swastikas on four cars and left notes that

included a bullet and a death threat. The vandals smashed the window of one of the cars with an axe. Authorities opened an investigation that continued as of October.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

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. Federal and provincial governments effectively implemented laws and programs mandating access to buildings, information, and communications for persons with disabilities, but regulation varies by jurisdiction, and there is no comprehensive federal legislation that protects the rights of persons with disabilities.

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 types 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.

Disability rights nongovernmental organizations (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 the broader population.

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 persons 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.

National/Racial/Ethnic Minorities

According to the government's statistical agency, 1,167 incidents of hate crimes were reported to police in 2013 (a decrease of 17 percent from 2012), of which 51 percent were motivated by race or ethnic bias. Blacks constituted the most commonly targeted racial group, accounting for 22 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, rose to 40 percent (from 31 percent in 2012).

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.

In October the province of Ontario announced rules under the provincial Police Act to regulate the practice of random street checks or "carding." Police had used "carding" to combat street crime, but visible minority communities alleged the practice disproportionately targeted black males. The regulations provide stronger guidelines for police, protect constitutional rights, and clarify how police can collect, use, and retain carding data.

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 than other groups to suicide, poverty, chronic health conditions, and sexual violence. According to the government's statistical agency, Aboriginal children accounted for almost 50 percent of the approximately 30,000 children younger than 14 in foster care in 2011.

The law recognizes and specifically protects indigenous rights, including rights 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 who had 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 2014, 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 2014, the government reported that negotiations for 100 self-government and comprehensive land claims were active. Indigenous groups who cannot settle specific claims through negotiation within three years 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.

The Supreme Court has affirmed that Aboriginal title extends to territory used by Aboriginal peoples for hunting, fishing, and other activities prior to contact with Europeans, as well as to settlement sites. Provincial and federal governments may develop natural resources on land subject to Aboriginal title but are obliged to obtain 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. If governments cannot obtain consent, they may 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. The court has established that Aboriginal title is collective in nature.

In February almost 1,200 Aboriginals filed suit in Saskatchewan against the federal government because, as minors, white families adopted them during the so-called

Sixties Scoop. The group requested damages for their loss of culture and emotional trauma. The “Sixties Scoop” involved an estimated 20,000 Aboriginal children whom child welfare services removed from their parents’ custody to place them with non-Aboriginal families in Canada and the United States. The lawsuit was in addition to a separate case filed in Ontario in 2009 that was pending in the courts. In June Manitoba’s premier issued a formal apology on behalf of the provincial government for its role in the “Sixties Scoop.”

In May the government reached a settlement with the Nunavut Inuit and agreed to pay C\$255 million (\$194 million) for failure to fund Inuit education at appropriate levels since 2006.

In June the Aboriginal Economic Development Board--a body that provides policy and program advice to the Minister of Aboriginal Affairs and Northern Development--published a report on the progress of Aboriginal people on a variety of socioeconomic indicators. The report found that Aboriginal people on reserves had lost economic ground to non-Aboriginals on almost every indicator, including employment, reliance on government transfers, college and university completion rates, and housing.

On June 2, the government-appointed Truth and Reconciliation Commission into Indian Residential Schools issued a summary of its findings and 94 recommendations. The commission was scheduled to release its final report by year’s end.

In July the Canadian Human Rights Commission (CHRC) told the UN Human Rights Committee that the situation of the Aboriginal people was one of the country’s most urgent civil rights issues. The CHRC stated that Aboriginal people were significantly disadvantaged in terms of education, employment, and access to basic needs such as water, food, and housing.

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, Saskatchewan, and the Northwest Territories prohibit discrimination on the basis of gender identity. Ontario, Nova Scotia, Prince Edward Island, Alberta, 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 May, Nova Scotia revised its Vital Statistics Act, allowing residents to change the gender on their identification without undergoing gender reassignment surgery. To make the change residents must present a letter of support from their doctor or a social worker. The change is similar to a revision made by the government of British Columbia in 2014. 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.

There were occasions of violence and abuse against individuals based on sexual orientation, but in general the government effectively implemented the law criminalizing such behavior. NGOs reported that stigma or intimidation was a known or likely factor in the underreporting of incidents of abuse. Some police forces employed liaison officers to the lesbian, gay, bisexual, transsexual, and intersex communities and Toronto police collaborated with community organizations to develop public awareness campaigns to encourage reporting of harassment and abuse. In 2013, the last year for which data is available, the government's statistical agency reported that 16 percent (186) of police-reported hate crime incidents nationally were motivated by sexual orientation.

In June Ontario's legislature passed a law banning so-called conversion therapy on lesbian, gay, bisexual, transgender, and intersex children in the province. The law also prevents medical practitioners from billing the public health system for such therapy.

Other Societal Violence or Discrimination

There were reports of societal violence and discrimination against members of other minority, racial, and religious groups, but the government generally implemented the law criminalizing such behavior effectively.

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 to 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 of 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 extra-provincial 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 the federal 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.

The law grants 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.

Provincial and territorial governments regulate and are responsible for enforcing their own labor laws in all occupations and workplaces that are not federally regulated, leaving categories of workers excluded from statutory protection of freedom of association in several provinces. 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.

In January the Supreme Court struck down as unconstitutional a Saskatchewan labor law that prevented public servants from striking if the provincial government deemed them essential employees. In January the court also found the RCMP could engage in collective bargaining and could strike, overturning laws that required the RCMP to bargain via an employee relations association.

The government effectively enforced applicable laws and regulations in a timely fashion, including with effective remedies and penalties, and generally respected freedom of association and the right of collective bargaining, although labor rights organizations and unions raised concerns about federal and provincial government interference with collective bargaining rights. Administrative and judicial procedures were not subject to lengthy delays and appeals.

On May 18, federal unions, including the Public Service Alliance of Canada (PSAC), the country's largest public sector union, filed a coordinated suit with the International Labor Organization (ILO), alleging the federal government violated workers' rights when it revised the Public Service Labour Relations Act in 2013. The unions contended the revisions contravene ILO conventions the country has ratified that protect free collective bargaining and the right to strike.

In 2014 PSAC filed suit in a federal court and alleged the 2013 revision to the Public Service Labour Relations Act violates constitutionally protected rights to collective bargaining and freedom of association. PSAC claimed the law allows the government to prohibit more workers from striking than necessary to maintain essential operations and asked the court to overturn the law and reopen collective agreements negotiated while the amended law remained in force. As of September the case was with the Supreme Court, and a hearing date had not been set.

In May 2014 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. The case was pending in Nova Scotia's Supreme Court at year's end.

In June 2014 PSAC filed a lawsuit in an Ontario court that claimed the government violated public service unions' rights to free and fair collective bargaining rights when it passed legislation authorizing the government to impose a sick leave policy for public employees without negotiation. Although the government was willing to negotiate sick leave policy, unions claimed the government's power to implement a change unilaterally compromises their ability to negotiate and eliminates the right to strike over the issue. PSAC requested the court issue an injunction limiting the government's ability to execute its legal authority until the

issue is resolved in court. At year's end the court had not ruled on the injunction or the lawsuit.

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.

In 2014 the federal government announced reforms to the federal temporary foreign worker program (TFWP). The reforms included 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 (\$76,000) for employer abuses of the program, and providing additional funding for the federal border agency for criminal investigations. Additional penalties for employers deemed to have misused the TFWP or mistreated workers came into effect in July and December 2014. The measures replaced a two-year ban for employing foreign workers with a range of bans of up to 10 years, raised financial penalties, and tightened criteria for applications and compliance.

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/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

There is no federal minimum age for employment. In federally regulated sectors, children younger than 17 may work only when they are 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).

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

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, color, sex, religion, national origin or citizenship, disability, sexual orientation and/or gender identity, age, language, HIV-positive status, or other communicable diseases. 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,” or 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\$10.50 to C\$12.50 (\$7.98 to \$9.50) per hour as of October. 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 persons younger than 18 who work less than 28 hours per week when school is in session, at a rate 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. 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 Center 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 include a graduated response, with a preference for resolution via voluntary compliance, negotiation, and education; prosecution and fines serve 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 types 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 2013, the most recent year for which data were available, there were 902 workplace fatalities. During the year there were some reports of workplace accidents.