

CANADA 2015 INTERNATIONAL RELIGIOUS FREEDOM REPORT

Executive Summary

The constitution guarantees freedom of conscience, religion, thought, belief, opinion, expression, and the right to equal protection and benefit of the law without discrimination on the basis of religion. There are no registration requirements according to the law, although religious groups that choose to register receive tax-exempt status. In September the Federal Court of Appeal found it unlawful for the federal government to mandate that persons must remove religiously based clothing that covered their faces while reciting their citizenship oath. In November the newly-elected government decided not to appeal the ruling to the Supreme Court.

Reports suggest there was an increase in activity against religious groups, in particular anti-Semitic and anti-Muslim activity, including incidents of vandalism at places of worship and on private property, hate speech, harassment, and violence against persons on the basis of their ethnicity and religion. Some of the incidents reported, and being investigated as hate crimes, included two youths attempting to remove forcibly a hijab from a woman in Montreal, as well as hateful graffiti sprayed on the walls of a synagogue and a Sikh temple in Edmonton.

The Ambassador, embassy and consulate officers, and other U.S. government officials raised issues of religious freedom with the government. They conducted regular outreach to religious leaders, nongovernmental organizations (NGOs), and religious groups to discuss opportunities for collaboration and strategies to combat religious intolerance. They sponsored and participated in public programs and events encouraging dialogue, interfaith communication, and freedom of religion. In a January visit to Ottawa, the Ambassador at Large for International Religious Freedom met with Canada's Ambassador for Religious Freedom to discuss engagement on global religious freedom issues.

Section I. Religious Demography

The U.S. government estimates the total population at 35.1 million (July 2015 estimate). According to the 2011 census, approximately 67 percent of the population is Christian. Roman Catholics constitute the largest group, followed by Protestants. The United Church of Canada, Anglican, Presbyterian, Lutheran, Baptist, and Pentecostal denominations are the largest Protestant groups. Approximately 3 percent of the population is Muslim and 1 percent Jewish.

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Buddhists, Hindus, Sikhs, Scientologists, Bahais, and adherents of Shintoism, Taoism, and aboriginal spirituality together constitute less than 4 percent of the population. Approximately 24 percent of the population claims no religious affiliation.

Most recent immigrants are of Asian and African origin and generally adhere to religious beliefs different from the majority of native-born citizens. According to the 2011 census, non-Caucasian, non-Aboriginal ethnic minorities constitute 19.1 percent of the overall population and adhere to a diverse range of religious practices.

Section II. Status of Government Respect for Religious Freedom

Legal Framework

The constitution provides for “fundamental freedoms” for all, including freedom of conscience, religion, thought, belief, opinion, and expression. Every individual is equal under the law and has the right to equal protection and benefit of the law without discrimination based on religion. Everyone has the right to sue the government for violations of religious freedom. Federal and provincial human rights laws prohibit discrimination on the grounds of religion. Civil remedies include compensation and/or changes to the policy or practice responsible for the discrimination.

The law does not require religious groups to register with the government. The government grants tax-exempt status to groups, including religious groups, which register as nonprofit organizations with the Charities Directorate of the tax authority, the Canada Revenue Agency. Nonprofit status provides federal and provincial sales tax reductions, rebates, and exemptions. To gain and retain tax-exempt status, groups must be nonpolitical and undergo periodic audits. Charitable status also grants clergy various federal benefits, including a housing deduction under the tax code and expedited processing through the immigration system. Individual citizens who donate to tax-exempt religious groups receive a federal tax receipt entitling them to federal income tax deductions.

Catholic schools in Ontario, Alberta, and Saskatchewan retain the constitutionally protected provincial funding they had when those provinces joined the federation. Federal statutory protection for Catholic and Protestant publicly funded minority education exists in the Northwest Territories, Yukon, and Nunavut, which do not

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have provincial status. Constitutional or federal statutory protection for public funding of religious education does not extend to schools of other religious groups. The law permits parents to homeschool their children and to enroll them in private schools for religious reasons.

Government Practices

In September the Federal Court of Appeal upheld a February ruling that found it unlawful for the federal government to mandate that persons reciting their citizenship oath at a public ceremony remove religiously based clothing that covered their faces. The government argued the ban was necessary to verify the identity of each person reciting the oath. The court found the policy violated the country's Citizenship Act, which allows citizenship judges the discretion to accommodate religious needs. A female Muslim from Mississauga, Ontario, brought the case to court in 2014, stating the ban violated her constitutional right to freedom of religion and caused her to withdraw from her citizenship ceremony. She attended the ceremony and swore her citizenship oath with a covered face in October, following the court ruling. In November the newly-elected government announced it had abandoned an application to the Supreme Court by the previous government seeking to appeal the September ruling.

Public debate regarding the ban featured prominently in the 2015 federal election campaign. The Conservative Party and the Bloc Quebecois supported the ban, while the Liberal Party and the New Democratic Party opposed it.

In July the prosecution in a sexual assault case in Ontario said there was no realistic possibility of obtaining a conviction and withdrew all charges after the complainant, a Muslim woman, refused to remove her face covering to testify against her alleged abusers in court. A judge had previously ruled the complainant must remove her face covering to ensure the defendants had a fair trial. In response to her earlier appeal of an order to remove her face covering at a preliminary hearing in the same case, the Supreme Court ruled in 2012 that presiding trial judges should determine on a case-by-case basis whether individuals could wear religious face coverings while testifying in court.

In February a Quebec judge refused to hear the case of a Muslim woman because she refused to remove her hijab. The judge adjourned the case indefinitely, but Quebec's judicial council, an independent body, continued to investigate a complaint brought by an unrelated individual regarding the judge's refusal to hear

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the case. The judge said the woman's hijab contravenes the Quebec courtroom regulations requiring "suitable" dress.

In June the British Columbia (B.C.) Supreme Court upheld the province's right to issue polygamy charges against two members of a fundamentalist branch of the Church of Jesus Christ of Latter-day Saints (Mormons). The two accused were charged with polygamy in August 2014 and opted for trial by judge and jury, which the province had not yet scheduled at year's end. The accused faced similar charges in 2009, but provincial authorities said they hesitated to file charges due to legal uncertainty about whether the criminal code's prohibition of polygamy violated constitutional guarantees of freedom of religion. The province sought an advisory opinion on the constitutionality of the law from the B.C. Supreme Court, which in 2011 upheld the law on the basis that the harm polygamy posed outweighed the right to religious freedom.

In August Nova Scotia's Court of Appeal dismissed the appeal of a Pentecostal preacher who was told to stop passing out religious pamphlets at his son's public school. The preacher said the determination violated his freedom of religious expression. The school board argued the pamphlets violated its policy to maintain neutrality on issues such as politics and religion. According to the court, elementary students, especially non-Christians, were distracted from their classwork by the preacher's messages.

In August the B.C. Supreme Court heard a judicial review of a decision by the province's barristers' association (the B.C. Law Society) to deny admission to the bar to graduates of a proposed law school at Trinity Western University (TWU), a Christian university in the province. The B.C. Law Society argued TWU's requirement that students sign a "Christian covenant" requiring they abstain from sexual relations outside heterosexual marriage discriminated against homosexuals and violated same-sex equality laws. The B.C. Law Society's decision prompted the B.C. Minister of Advanced Education to withdraw approval of TWU's proposed law school, which meant it could not open. TWU stated the law society's ban violated students' constitutional rights to freedom of religion, expression, and association and asked the court to overturn the decision. On December 10, the court reversed the Law Society's ban and restored the eligibility of graduates of TWU's proposed law school for admission to the provincial bar. Law societies in Nova Scotia and Ontario also refused accreditation to their provincial bars for future TWU graduates on the same basis as the B.C. Law Society. In January the Nova Scotia Supreme Court ruled in favor of TWU that

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the provincial bar association lacked the authority to deny accreditation. The Nova Scotia law society appealed the ruling. An Ontario court upheld the Ontario law society's refusal to accredit TWU graduates and TWU appealed the decision.

In March the College of Physicians and Surgeons of Ontario, the province's medical regulator, changed its policy, and would henceforth require doctors who will not render services due to religious or moral objections to refer the patient to another physician. Physicians who failed to make such referrals, including in cases of contraception and abortion, could face sanctions up to and including the loss of their medical license. Some groups, including the Christian Medical and Dental Society of Canada (CMDS), stated the policy infringed on doctors' freedom of conscience and said that referrals constitute facilitation. CMDS filed suit in Ontario to overturn the policy change, which was pending as of the end of the year.

Government practices with respect to education, including religious schools, fell under the purview of the provincial, rather than federal, governments. Six of the 10 provinces provided full or partial funding to some religious schools.

The government continued to operate an Office of Religious Freedom, headed by an official of ambassadorial rank, within the Department of Foreign Affairs, Trade, and Development, which was renamed Global Affairs Canada after the October federal election. The office's expressed aims were to protect and advocate on behalf of religious minorities under threat around the world, to oppose religious hatred and intolerance, and to promote pluralism and tolerance abroad. The office maintained a budget of five million Canadian dollars (C\$) (\$3.6 million) annually and operated a fund of C\$4.25 million (\$3.06 million) per year to provide grants to organizations advancing religious freedom throughout the world.

In October the National Assembly of Quebec unanimously adopted a motion condemning anti-Muslim sentiment and the incitement of hatred and violence toward Muslim Quebecers. The Quebec Solidaire party spokesperson who authored the motion said anti-Muslim sentiment and racist comments on social media had increased after political debates about religious clothing and admitting Syrian refugees. He said this was the primary motive for adopting the motion.

The government remained a member of the International Holocaust Remembrance Alliance (IHRA). In an evaluation of Canada's membership in the IHRA, Citizenship and Immigration Canada found the government supported, both

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domestically and abroad, Holocaust education, remembrance, and research, and recommended continued participation.

Section III. Status of Societal Respect for Religious Freedom

There were reports of activities against religious groups, in particular anti-Semitic and anti-Muslim incidents, including vandalism, hate speech, harassment, and violence against persons, places of worship, and private property.

In October two minors pushed a pregnant Montreal woman to the ground and attempted to forcibly remove her hijab. Police investigated the incident and at year's end had not ruled out prosecuting it as a hate crime.

In April an unknown woman physically attacked a Muslim woman from Laval, Quebec, on the metro and shouted religious and racial slurs at her. Onlookers pulled the attacker off the woman, who sustained minor injuries. The attacker then fled the scene. As of the end of the year police continued to investigate, but had not identified the assailant.

On November 16, two men in Toronto physically assaulted a Muslim woman, pulled off her hijab, robbed her, and uttered anti-Muslim and racist slurs. Toronto Police launched a hate crime investigation into the incident.

On November 18, two men and a woman boarded public transit in Toronto and accosted two Muslim women, pushed one of them, and uttered anti-Muslim slurs, suggesting they could be terrorists, before fleeing the train. Police opened an investigation that continued as of the end of the year. On the same day, the transit authority reported unknown vandals had scrawled anti-Muslim graffiti on a compartment of one of its trains. The Toronto Transit Commission publicly condemned the verbal assault on the Muslim women and the graffiti as “deeply offensive,” underscoring the incidents “in no way reflect our organization’s values.”

In June vandals in Alberta shattered the glass door for the female entrance to the Markhaz-UI-Islam mosque. As of October the Royal Canadian Mounted Police was investigating whether the incident was targeted at the mosque – as religious leaders suspected – and whether the vandals had used a gun or other weapon to shatter the glass.

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In November unknown arsonists attacked the Kawartha Muslim Religious Association mosque in Peterborough, Ontario. The vandals smashed a window and hurled a fire accelerant inside. The building was empty, and no one was hurt, but the structure sustained extensive damage. Police opened a hate crime investigation. A public crowd-funding initiative in the community raised sufficient funds to repair the mosque. The prime minister and the Premier of Ontario separately issued statements condemning the mosque attack.

Also in November unknown vandals smashed windows at the Shri Ram Dham Hindu Temple in Kitchener, Ontario. Police opened an investigation that continued as of the end of the year.

In response to the November mosque and temple attacks and the assault of the Muslim woman, the prime minister issued a statement deploring “vicious and senseless acts of intolerance” directed at specific Canadians in the aftermath of terrorist attacks in Paris, France. The prime minister said the government would “protect the rights of innocent Canadians being subjected to such abuse,” adding “Canadians understand that religious groups around the world suffer persecution regularly at the hands of violent extremists. Our focus must be on stopping the people responsible for the terror, and continuing to fight hate by embracing Canadian values.”

The B’nai Brith Canada League for Human Rights received 1,627 reports of anti-Semitic incidents in 2014, the most recent year for which data was available, up 28 percent from 2013, and the largest annual number of incidents the organization has ever recorded. More than half of such reports (961) came from Ontario. Reports included harassment (1,370 incidents, an increase), vandalism (238 incidents, a decline), and violence against persons (19 incidents, an increase); attacks on synagogues, private homes and property, and community centers; and web-based hate speech.

Vandals displayed anti-Semitic graffiti and symbols in several incidents. In January unknown persons spray-painted anti-Semitic messages and “Leave Canada” on the wall of an Edmonton synagogue. Unknown assailants spray-painted the same “Leave Canada” message and racist comments on the exterior of a Sikh temple in Edmonton the same month. Police reports were filed in each instance, although no suspects were identified.

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In February 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 the end of the year.

In March unknown vandals broke into a new community gymnasium in Alberta and spray-painted swastikas and other anti-Semitic messages. A police investigation continued as of the end of the year.

In May the Toronto police launched an investigation against an independent publication called *Your Ward News* after receiving complaints about anti-Semitic content, including a caricature of postal worker wearing Orthodox Jewish clothing.

In September the ombudsman for French language public broadcaster Radio-Canada upheld a complaint by the Centre for Israel and Jewish Affairs (CIJA) that a Radio-Canada host failed to challenge on-air anti-Semitic remarks during an August 4 call-in television show. The unidentified caller accused Jews of being murderers who want to take over the world. CIJA stated the caller's anti-Semitic remarks were liable to incite hatred against Jews. The ombudsman agreed the remarks were "excessive and anti-Semitic" and infringed on the broadcaster's journalistic guidelines.

A report released in July by Brandeis University surveyed more than 3,000 Jewish North American university students, of whom one-third reported being verbally harassed because they were Jewish, and a quarter of whom reported being blamed for the actions of the government of Israel. Jewish students on Canadian campuses reported experiencing a greater level of hostility than the average for campuses included in the study.

Section IV. U.S. Government Policy

The Ambassador, embassy officers, and other U.S. government officials met with government representatives to discuss religious freedom. They conducted regular outreach to religious leaders, NGOs, and religious groups to discuss strategies for combatting religious intolerance.

In April the Ambassador met with the Association of Progressive Muslims of Canada (APMC) to discuss opportunities for collaboration and engagement with the Muslim community. The APMC's mandate includes building bridges of

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understanding between Muslims and other faith groups by encouraging dialogue and interaction.

The Ambassador at Large for International Religious Freedom and representatives from the Office of International Religious Freedom of the Department of State visited Ottawa in January and met with Canada's Ambassador for Religious Freedom to discuss opportunities for collaboration on religious freedom issues globally.

At an annual iftar hosted by the mayor of Ottawa and the APMC, the Deputy Chief of Mission delivered remarks and addressed the importance of religious tolerance throughout the world. This was an opportunity for those in attendance, including religious leaders and members of different faith groups, elected officials, and members of the diplomatic corps, to discuss and hear about the U.S. government's commitment to issues of religious freedom.

In July the Ambassador gave remarks at an Eid-al-Fitr reception and dinner with members of the Muslim community, hosted by the Royal Bank of Canada. The Ambassador emphasized the positive impact of religious freedom in both Canada and the United States. Representatives from different faith groups and members of the business community attended the event and discussed religious freedom issues.