

# CANADA 2016 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. Religious groups are not required to register, but those that do receive tax-exempt status. In October the Quebec Superior Court offered “regrets” to a Muslim woman as a result of a lower court provincial judge’s refusal to hear her case unless she removed her hijab. The court found the judge had not breached the woman’s freedom of religion and declined to issue a declaratory judgement affirming the right to wear religious attire in Quebec courtrooms. The Quebec assembly continued to debate a bill tabled in 2015 that would ban individuals from wearing religious face coverings when providing or receiving provincial government services. The government said the bill would foster adherence to state religious neutrality while providing guidelines for religious accommodation, but critics said it would discriminate against Muslim women. A bylaw passed in May banned the opening of new places of worship on two streets in Montreal’s Outremont borough. The bylaw applied to all faith groups, but representatives of the Hasidic Jewish community said it targeted their community specifically because of their large representation in the borough.

There were reports of anti-Muslim and anti-Semitic activity, including incidents of violence, hate speech, harassment, and vandalism. In January an unknown assailant pepper-sprayed a crowd outside a Muslim community center after an event welcoming Syrian refugees; the incident was investigated as a potential hate crime. In June unknown individuals delivered a pig’s head to a mosque in Quebec City. In August and September vandals sprayed anti-Semitic graffiti on the walls of a Jewish playground and elementary school in Winnipeg, and on two synagogues and a Jewish prayer center in Ottawa. A Jewish school, synagogue, and rabbi’s home in Ottawa were vandalized with anti-Semitic graffiti within the span of one week in November. Police arrested and charged a minor in connection with the November incidents.

The Ambassador, embassy and consulate officers, and other U.S. government officials raised issues of religious freedom with the national and provincial governments. In March the U.S. Special Advisor for Religious Minorities in the Near East and South and Central Asia visited Ottawa to explore opportunities for collaboration on religious freedom issues globally through the International Contact Group on the Freedom of Religion or Belief. Embassy officials discussed

strategies to combat religious intolerance, engaging with religious leaders, nongovernmental organizations (NGOs), and religious minority groups. The embassy sponsored and participated in public programs and events encouraging dialogue, interfaith communication, and freedom of religion. In June, the wife of the Ambassador delivered remarks promoting religious tolerance at an iftar.

## **Section I. Religious Demography**

The U.S. government estimates the total population at 35.4 million (July 2016 estimate). According to the 2011 census (the latest data available), approximately 67 percent of the population is Christian. Roman Catholics constitute the largest group (38 percent of the total population), followed by the United Church of Canada (6 percent), Anglican (5 percent), Baptist (1.9 percent), and Christian Orthodox (1.7 percent). Presbyterian, Lutheran, and Pentecostal groups each constitute less than 2 percent of the population. Approximately 3 percent of the population is Muslim and 1 percent Jewish. 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.

According to the 2011 census, 56 percent of immigrants who arrived in Canada from 2006-2011 were of Asian origin and 12 percent were of African origin; these groups generally adhere to religious beliefs that differ 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 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. The law imposes “reasonable limits” on the exercise of these religious rights only where such restrictions can be “demonstrably justified in a free and democratic society.” The law permits individuals 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, but the government grants tax-exempt status to religious groups that 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, a group 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. Clergy includes persons whose communities have licensed, ordained, or otherwise formally recognized them for their religious leadership and authority to perform spiritual duties and services within their religious organization. Individual citizens who donate to tax-exempt religious groups receive a federal tax receipt entitling them to federal income tax deductions.

The criminal code prohibits the practice of polygamy, which is an indictable offense subject to imprisonment of up to five years.

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

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 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.

The country is a party to the International Covenant on Civil and Political Rights.

### **Government Practices**

In June the British Columbia (BC) Court of Appeal upheld a lower court decision affirming the province's authority to appoint a special prosecutor to issue polygamy charges against two Mormons in Bountiful, BC. The original charges of polygamy were at first dropped for fear they violated constitutional guarantees of freedom of religion. In 2011 the BC Supreme Court issued an advisory opinion that the harm polygamy represented outweighed the right to religious freedom.

The province brought charges against the individuals in August 2014 and alleged one of the accused had 24 wives, several of whom were under the age of 18 at the time of marriage.

The Quebec Assembly continued to debate a bill, tabled in June 2015, which would ban women from wearing religious attire that covered their faces during public ceremonies. At a press conference in October, provincial Justice Minister Stephanie Vallee of the Quebec Liberal Party stated that banning the burqa was necessary for the sake of identification, communication, and security at public services, including naturalization ceremonies.

In October the Quebec Superior Court ruled a provincial judge erred in refusing to hear the case of a Muslim woman in February 2015 who refused to remove her hijab. The court offered “regrets” to the woman, but found no breach of her right to freedom of religion and declined to issue a declaratory judgment affirming the right to wear religious attire in Quebec courtrooms. The Superior Court agreed with a separate finding by the provincial judicial council in September that judges have the authority to interpret the law on appropriate dress within their courtrooms on a case-by-case basis.

Montreal’s Outremont borough passed a bylaw in May banning the opening of new places of worship on two streets in its busiest commercial zone. The bylaw applied to all faith groups. In November, residents of the borough voted in favor of maintaining the ban, which representatives of the Hasidic Jewish community said targeted their community and worsened “already tense relations between elected officials and Hasidic Jews.” Approximately one quarter of Outremont borough residences belong to members of the Hasidic Jewish community.

In November, a BC woman filed a legal challenge against the local school district, stating her child was forced to participate in an aboriginal religious ceremony without her consent and against the wishes of the child. She sought a court order from the Supreme Court to prevent the school district from hosting any expressions of religion, including indigenous ceremonies. The school district, in court documents, denied it violated any rights and said its actions had not favored one belief over another.

In November a Hamilton, Ontario court rejected a parent’s complaint that the Hamilton-Wentworth District School Board, the provincial elementary teachers’ union, and the Ontario government infringed on his right to religious freedom when they failed to inform him of the content of the mandatory provincial sexual

education curriculum in public schools. The parent stated he lacked the necessary information to determine whether the content conflicted with his Christian views. The school board stated the curriculum promoted tolerance, including tolerance of the LGBTI community, and the father's request was impossible to fulfill as it did not apply to a specific class but to the curriculum as a whole. The judge said the school board was not obligated to inform the parent of topics he might find objectionable, as inclusion and equality come before "individual religious accommodations in public education."

Courts in Ontario, BC, and Nova Scotia heard cases during the year regarding decisions by legal societies in the provinces to deny accreditation to future graduates of Trinity Western University (TWU), a Christian university in BC. In Ontario, the law society argued TWU's requirement that students sign a "Christian covenant" pledging to abstain from sexual relations outside heterosexual marriage discriminated against homosexuals and violated same-sex equality laws. In June the Ontario appeals court found the law society's decision to deny accreditation to future TWU graduates was reasonable. In September TWU asked the federal Supreme Court for permission to file an appeal of the Ontario decision, citing infringement on freedom of religion. The court had not granted permission as of the end of the year, and the request remained pending. In July a Nova Scotia appeals court ruled the province's law society exceeded its jurisdiction in denying accreditation to future TWU graduates, because TWU was located in BC and was outside the jurisdiction of the Nova Scotia Human Rights Act. In November the BC Court of Appeal held that the decision of the BC provincial law society to refuse accreditation to TWU graduates was unlawful. The law society decided against further appeal. The court did not comment on the constitutional arguments related to religious freedom.

A coalition of groups representing Christian physicians in Ontario filed a request in June for judicial review of the province's requirement that physicians who oppose assisted death on moral grounds make an "effective [active] referral" to another medical provider for patients who seek the service. Under Ontario's regulations, physicians who fail to make such referrals could face sanctions up to and including the loss of their medical license. The request for judicial review followed enactment of a new federal law that legalized assisted death but specified doctors had the right of freedom of conscience and the right not to perform or assist in providing the procedure. Ontario was the only province to require referral to another physician rather than to a registry or other mechanism. The plaintiffs argued the referral to another practitioner, rather than to a registry, constituted

facilitation and violated constitutional guarantees of freedom of conscience and religion.

Ontario-based physician faith groups continued a suit filed in 2015 against the province's medical regulator. The suit challenged a provincial policy requiring doctors who decline to provide access to contraception and decline to perform abortions on religious or moral objections to refer the patient to another physician. The legal challenge remained pending at year's end.

In September the Alberta Court of Appeal ruled that courts could exercise jurisdiction in matters of religious edicts when it allowed a Calgary man's appeal of his "shunning" by a community of Jehovah's Witnesses to proceed in a lower provincial court. The plaintiff had won approval for judicial review of the act of "disfellowship" in the lower court on the grounds it was procedurally unfair and adversely affected his civil and property rights as a real estate agent whose clientele was largely composed of members of his former religious community. The appeals court dismissed the church's challenge of the review, allowing the case to proceed.

A Quebec court in December cleared an individual in a slander case brought by a private Islamic school in Montreal of charges that in a blog post and radio broadcast she likened the school's teaching to extremist instruction delivered in terrorist training camps in Afghanistan and Pakistan. The school sought damages for the costs of increased security at the school and harm to its reputation. The judge ruled the comments could be deemed hurtful, but were not erroneous or made in bad faith and the individual had a right to freedom of speech and expression.

The government closed the Office of Religious Freedom within Global Affairs Canada (GAC) in May and replaced it with an Office of Human Rights, Freedoms, and Inclusion. The new office includes religious freedom as one of three divisions, which also include human rights, indigenous affairs, and democracy. GAC's external advisory committee on religious freedom and Canada's chairmanship of the International Contact Group on the Freedom of Religion or Belief remained in place.

In August the Royal Canadian Mounted Police (RCMP) stated female Muslim officers could wear the hijab as part of their uniform. The RCMP became the third police force to add the hijab option after Toronto and Edmonton.

The city of Montreal created a hate crimes unit in May to centralize information, facilitate analysis, and improve prevention of hate-motivated crimes, including religious hate crimes. The new unit will also provide support to victims.

The government remained a member of the International Holocaust Remembrance Alliance (IHRA). The government supported, both domestically and abroad, Holocaust education, remembrance, and research, and recommended continued participation in the IHRA.

In his statement to recognize Holocaust Memorial Day on May 4, Prime Minister Justin Trudeau reiterated the government's commitment to fighting anti-Semitism, racism, and all forms of discrimination.

### **Section III. Status of Societal Respect for Religious Freedom**

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

In January an unknown assailant pepper-sprayed a crowd gathered outside a Muslim community center after an event that welcomed Syrian refugees in Vancouver, BC. The prime minister, federal immigration minister, premier of BC, and Mayor of Vancouver publicly condemned the attack. Police investigated the incident as a potential hate crime, but did not make an arrest.

A woman reportedly spit on and pulled at the hijab and hair of a Muslim female shopper in a London, Ontario supermarket in June. Police arrested the assailant and charged her with assault.

The BC Human Rights tribunal awarded an individual C\$8,500 (\$6,300) in March following its 2015 ruling that in 2014 the Vancouver, BC office of the Amaruk Wilderness Corporation, a Norwegian company, had refused to hire her because she was a Christian. As of the end of the year, the company had not provided the monetary award to the individual.

Montreal police arrested an individual in June who posted messages on social media against Muslims and Islam and threatened the prime minister. The individual was released from custody and his trial was scheduled for October, but no verdict had been published by year's end.

Unknown individuals dropped off a gift-wrapped pig's head in a mosque at an Islamic cultural center in Quebec City in June. The Premier of Quebec and the Mayor of Quebec City publicly condemned the act. Police investigations were ongoing as of the end of the year.

Police identified two suspects (one a minor) from a 2015 incident in which two men and a woman made anti-Muslim slurs against two Muslim women on public transit in Toronto. As of the end of the year, the police had not filed charges against the two suspects.

Police in London, Ontario investigated whether an article in the June-July edition of *Al Saraha*, an independent Arabic language newspaper, stating Jews inflated the number of Holocaust victims from 100,000-600,000 to six million constituted a hate crime. The article, reprinted from an Egyptian newspaper, blamed Jews for Germany's economic collapse in the 1920s and for promoting promiscuity, homosexuality, and sexual deviance. The publication is distributed in Middle Eastern restaurants and grocery stores throughout the Greater London area. The premier of Ontario condemned the article.

A Jewish school, synagogue, and rabbi's home in Ottawa were vandalized with graffiti within the span of one week in November with anti-Semitic messages. Police arrested and charged a minor in connection with the vandalism; the minor may face up to 20 charges, including charges of "uttering threats" and "mischief to religious buildings."

CBC news reported in April vandals wrote the words "Muslim terrorists" over a picture of a Muslim woman wearing a niqab at a library exhibit on the lives of Muslims in Quebec. The library staff reported the incident to the police, but the police did not identify any suspects.

In August B'nai B'rith reported unknown vandals defaced the playground of the Gray Academy of Jewish Education in Winnipeg, Manitoba with graffiti. In September vandals painted swastikas and anti-Semitic graffiti on the walls of a separate Winnipeg-area elementary school. School officials removed the graffiti but did not report the incidents to police.

The B'nai B'rith Canada League for Human Rights received 1,277 reports of anti-Semitic incidents in 2015, the most recent year for which data were available, compared to 1,627 incidents in 2014, which had the highest number of incidents since B'nai B'rith began its survey in 1981. Ontario was the source of 914

incidents, 71 percent of those reported. Reports included harassment such as verbal slurs; hate propaganda via the web, telephone, or printed material (1,123 incidents); vandalism such as graffiti, attacks on synagogues, private homes, community centers, and property, and desecration of cemeteries (136); and physical violence or credible threat of assault (10).

#### **Section IV. U.S. Government Policy**

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 combating religious intolerance.

The Special Advisor for Religious Minorities in the Near East and South and Central Asia visited Ottawa in March and met with GAC's Office of Human Rights, Freedom, and Inclusion to discuss opportunities for collaboration on religious freedom issues globally through the International Contact Group on the Freedom of Religion or Belief.

The Consul General in Montreal hosted a lunch in March for leaders of Montreal's immigrant communities to exchange best practices to combat religiously motivated discrimination and compared experiences with other forms of discrimination. The group discussed working together in future events to address shared challenges.

In May the U.S. Consulate General in Montreal participated in the city's annual Holocaust memorial ceremony hosted by the Mayor of Montreal to underscore U.S. commitment to fighting anti-Semitism globally. U.S. participation sought to highlight the commemoration as a global issue beyond the Jewish community. The event attracted religious leaders and members of different faith groups, elected officials, and members of the diplomatic corps.

The Ambassador's wife delivered remarks relating her Jewish family's immigrant experience and her reflections as a Jew in North America. She stressed religious tolerance and the U.S. commitment to religious freedom at an iftar hosted by the mayor of Ottawa and the Association of Progressive Muslims of Canada in June. She was the first female keynote speaker invited to address this annual event.

Following his attendance at the dedication of the site of the country's planned new National Holocaust Monument in September, the Ambassador amplified the event and recognized Holocaust victims and survivors through social media postings.

The U.S. Consulate General in Montreal organized a roundtable meeting in September at which senior U.S. government officials, Quebec's minister of immigration, religious leaders, and refugee assistance organizations discussed the importance of religious diversity and tolerance.