

CANADA 2019 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 based on religion. The government does not require religious groups to register, but some registered groups may receive tax-exempt status. On December 7, the Court of Appeal ruled that the Canadian Church of Atheism did not qualify as a religion for purposes of obtaining charitable status. In June the Quebec government passed and implemented a law prohibiting certain categories of provincial government employees from wearing religious symbols while exercising their official functions, while requiring individuals seeking certain provincial government services to do so with the “face uncovered.” Observers said the legislation targeted Muslim women and would also effectively exclude some religious Christians, Muslims, Sikhs, and Jews from positions of authority, including positions in the national legislature, education, the courts, and law enforcement. The National Council of Canadian Muslims, Canadian Civil Liberties Association, and an individual plaintiff filed a legal challenge to the law in the Quebec Superior Court. In May an Ontario court dismissed the appeal of Ontario physicians who objected on religious and/or moral grounds to a provincial policy requiring them to refer patients for “medical services such as medical assistance in dying, abortion and reproductive health services.” In conjunction with a new antiracism strategy addressing all forms of discrimination, including based on religion, in June the government adopted the International Holocaust Remembrance Alliance (IHRA) definition of anti-Semitism. In March the Saskatchewan Court of Appeal heard the appeal of a 2017 lower court ruling in a decade-long case concerning whether the province could fund non-Catholic students to attend Catholic schools. The appeal process continued through year’s end.

Reports continued of anti-Muslim and anti-Semitic activity, including cases of violence, hate speech, harassment, discrimination, and vandalism. In July Statistics Canada released hate crime statistics for 2018 showing the number of police-reported religiously motivated hate crimes was approximately 24 percent lower in 2018 than 2017, dropping to a total of 639; reported crimes against Muslims decreased by 50 percent, while those against Jews decreased by 4 percent. In 2018, the most recent year for which there were statistics, the B’nai Brith Canada League for Human Rights reported in its annual Audit of Anti-Semitic occurrences there were 11 cases of anti-Semitic violence nationwide, 221 reports

of anti-Semitic vandalism, and 1809 occurrences of harassment, approximately 90 percent of which reportedly occurred online; physical location and identities of those posting the online messages are unknown. B'nai Brith received a total of 2,041 reports of anti-Semitic cases in 2018, compared with 1,752 reports of anti-Semitic cases in 2017 and 1,728 cases in 2016. In February a Quebec judge sentenced a man to a minimum term of 40 years after he pled guilty in 2018 to six counts of first-degree murder for killing six worshippers at the Islamic Cultural Centre of Quebec in 2017. In August a taxi driver was arrested and charged with assaulting a Jewish man wearing a kippah, who reportedly wanted to take a photograph of the taxi to file a complaint about the taxi driver's anti-Semitic comments. In November the Anti-Defamation League (ADL) released the results of a survey on anti-Semitic views of the country's adult population. It said 8 percent harbored anti-Semitic views, down from 14 percent in its previous 2014 survey – which it stated represented the percentage of persons who agreed that a majority of the 11 statements were “probably true.”

The Ambassador, embassy and consulate officials, and other U.S. government officials raised respect for religious freedom and diversity with the national and provincial government. They also raised how we might partner to promote religious freedom around the world, better support individuals persecuted for their religion, and counter rising threats to religious freedom. Embassy officials discussed strategies to combat religious intolerance through engagement with religious leaders, nongovernmental organizations (NGOs), and religious minority groups. The embassy sponsored and participated in public programs and events encouraging interfaith dialogue and freedom of religion. In October the Quebec City Consul General held a breakfast with faith leaders to discuss interfaith dialogue and cooperation. The embassy amplified these activities through social media.

Section I. Religious Demography

The U.S. government estimates the total population at 36.1 million (midyear 2019 estimate). According to the 2011 census, which has the most recent data available on religion, approximately 67 percent of the population self-identifies as Christian. Roman Catholics constitute the largest Christian group (38 percent of the total population), followed by the United Church of Canada (6 percent), Anglicans (5 percent), Baptists (1.9 percent), and Christian Orthodox (1.7 percent). Presbyterian, Lutheran, and Pentecostal groups each constitute less than 2 percent of the population. The Church of Jesus Christ of Latter-day Saints estimates its membership at approximately 190,000. The Fundamentalist Church of Jesus

Christ of Latter-day Saints (FLDS Church) estimates its membership at 1,000. Approximately 3 percent of the population is Muslim, and 1 percent is Jewish. Buddhists, Hindus, Sikhs, Scientologists, Baha'is, and adherents of Shintoism, Taoism, and aboriginal spirituality together constitute less than 4 percent of the population. Approximately 24 percent of the population lists no religious affiliation.

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 Canada Revenue Agency. Nonprofit status provides such organizations with 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 members of the clergy various federal benefits, including a housing deduction under the tax code and expedited processing through the immigration system. The term “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.

A Quebec government law passed and implemented in June prohibits certain government employees from wearing religious symbols while exercising their

official functions. The law defines a religious symbol as “any object, including clothing, a symbol, jewelry, an adornment, an accessory, or headwear, that (1) is worn in connection with a religious conviction or belief; or (2) is reasonably considered as referring to a religious affiliation.” Among categories included in the law are president and vice presidents of the national assembly; administrative justices of the peace; certain municipal court employees; police, sheriffs and deputy sheriffs; certain prosecutors and criminal lawyers; and certain principals, vice principals, and teachers, among others. The law also requires anyone seeking certain provincial government services to do so with “face uncovered.” The bill invoked the “notwithstanding clause” of the federal constitution, which permits a province to override specific constitutional protections for a period of five years to prevent citizens from bringing challenges to the law based on the federal constitution. The religious symbols ban applies to public school teachers, government lawyers, judges, prison guards, and police officers, among others. It exempts provincial employees working prior to the implementation of the law, but they lose their right to wear religious symbols upon changing jobs or receiving a promotion.

Government policy and practices regarding education, including regulation of 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 and Protestant schools in Ontario, Alberta, and Saskatchewan retain the federal constitutionally protected right to public funding they gained when those provinces joined the federation. Other provinces either had no legally recognized denominational schools that qualified for such protection at the time of federation or accession, or they subsequently secured a federal constitutional amendment to terminate religious education funding rights and introduce an exclusively secular publicly funded education system. Federal statutory protection for Catholic and Protestant publicly funded minority education exists in the Yukon, Nunavut, and Northwest Territories, 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, although British Columbia, Alberta, Saskatchewan, Manitoba, and Quebec offer partial funding to religious schools of any faith that meet provincial scholastic criteria. The law permits parents to homeschool their children or enroll them in private schools for religious reasons.

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

Government Practices

On December 7, the Federal Court of Appeal ruled that the Canadian Church of Atheism of Central Canada did not qualify as a charity under the Income Tax Act in part because it could not be found to be a “religion” in a charitable sense. The court based its finding on the Church’s failure to “demonstrate that its belief system was based on a particular and comprehensive system of doctrine and observances.” In its ruling, the court also noted that registration of an organization as a charity under the Income Tax Act is a privilege, and not a right.

In June the National Council of Canadian Muslims, Canadian Civil Liberties Association, and an individual plaintiff filed a legal challenge in Quebec Superior Court against the provincial law prohibiting certain categories of government employees from wearing religious symbols while exercising their official functions. According to press reports, observers said the legislation would exclude some religious Muslims, Sikhs, and Jews from positions of authority, including in education and law enforcement. The observers also said the legislation unfairly targeted Muslim women in the province who wear hijabs or other head coverings. The challenged law was the third attempt by a Quebec government to pass such legislation regarding the delivery of provincial services; a Parti Quebecois government introduced a bill in 2013 but did not pass it before the 2014 Quebec election, and a Liberal government passed a bill in 2017 that never entered into effect because a series of judicial injunctions suspended its application. The plaintiffs also challenged portions of the newly passed law prohibiting individuals from receiving certain government services with their faces covered. The plaintiffs sought a temporary injunction against implementation of the law, but the Quebec Superior Court declined the request in July. In August the Quebec Court of Appeal agreed to hear the plaintiffs’ appeal of that decision, and in October the court declined to temporarily stay imposition of the law pending a ruling on its constitutionality; as a result, the law remained in force. In September a multifaith organization filed a separate challenge to the law on behalf of three teachers – a Roman Catholic and two Muslims – who wore religious symbols. In October the English Montreal School Board, the largest English language school board in Quebec, challenged the law in court. In November a Quebec teachers union representing 45,000 teachers also filed suit. In total, four different lawsuits challenging the constitutionality of the Quebec law remained pending at year’s end.

In May an Ontario court dismissed the appeal of Ontario physicians who objected on religious and/or moral grounds to a provincial policy that required them to

provide patients with referrals for “medical services such as medical assistance in dying, abortion, and reproductive health services.” Federal law permits assisted death and abortion but specifies doctors have the right to freedom of conscience and the right not to perform or assist in providing the procedures. Ontario is the only province requiring referral directly to another individual physician if the treating physician has a religious or moral objection to providing the specified service. Ontario physicians had appealed a lower court ruling upholding the referral requirement. The Ontario Court of Appeals found that the physician referral mechanism struck the appropriate balance between a physician’s right to freedom of religion and a patient’s right to medical services.

In April a British Columbia (B.C.) court retried James Oler, a member of the FLDS Church, on charges that he unlawfully removed his underage daughter from Canada in 2004 to marry her to a 24-year-old U.S. citizen in Nevada. The court found Oler guilty after retrial, and in August sentenced him to 12 months in prison. A trial judge had acquitted Oler of the same charges following a trial in 2017 based on what the B.C. Court of Appeal deemed to be the trial court’s erroneous interpretation of the required elements of the offense. The B.C. Court of Appeal overturned the acquittal in 2018 and ordered a new trial after the government appealed.

In February a federal trial court, which sits below the Supreme Court, stayed on procedural grounds seven of eight cases brought in 2018 by religious and other organizations seeking to reverse the denial of their federal grant applications. The federal government denied their applications over issues regarding an attestation the federal government imposed as a condition of receiving funding for the Canada Summer Jobs Program that year. For the first time, organizations were required to attest that their core mandate and the job for which they planned to use the federal funds respected the Canadian Charter of Rights and Freedoms, as well as other rights and associated case law. The plaintiffs stated the attestation infringed on their rights to freedom of religion and of expression. The attestation included language that such rights “include reproductive rights, and the right to be free from discrimination on the basis of sex, religion, race, national or ethnic origin, color, mental or physical disability, sexual orientation, or gender identity or expression.” The court stayed seven of the cases until the first case, filed by Toronto and Area Right to Life (TRTL), is heard, based on a finding that there was “substantial overlap” of the legal issues involved in the eight cases.

In late 2018, the federal government made changes to the 2019 summer jobs application’s attestation, with new language focusing on activities for which the

funds could not be used, rather than on the values of any given organization. According to media reports, TRTL filed a second lawsuit after it was also denied a grant in 2019. The cases were pending at year's end.

In March the Saskatchewan Court of Appeal heard the appeal of a 2017 lower court ruling in a decade-long case concerning whether the province could fund non-Catholic students to attend Catholic schools. In 2017, the lower court had ruled that providing public funding for non-Catholic students to attend Catholic schools discriminated against secular schools and those of other religious groups in favor of Catholic education; it ordered the province to stop funding those students by the end of June 2018. The court had also ordered the government of Saskatchewan and the provincial Catholic School Boards Association to pay 960,000 Canadian dollars (C\$) (\$738,000) toward the opposing public school board's legal costs. The Court of Appeal stayed the imposition of the funding order pending resolution of the appeal. At year's end, the appeal remained pending.

On January 27, Prime Minister Justin Trudeau issued a statement for International Holocaust Memorial Day, stating that Canada must also acknowledge its "own history of anti-Semitism, and its devastating results." He pledged to "stand guard and speak out against anti-Semitism in our communities, to embrace our differences, and to find strength in our diversity." On May 1, the prime minister issued a statement for Holocaust Memorial Day in which he said anti-Semitism was on the rise and stating, "We will not be silent in the face of oppression, or indifferent in the face of hate. We will always speak out against anti-Semitism, discrimination, and hatred in all its forms, and together, we will counter them."

On May 7, Prime Minister Trudeau attended the National Holocaust Remembrance Day Ceremony and delivered remarks in which he noted that "once again, people filled with hate are emerging from the shadows. Hateful words and speeches are spreading on social media and spreading across our daily lives." He also stated, "The lessons of the Holocaust are at risk of being forgotten if we stand idly by, if we remain silent in the face of these events," and that "it is our solemn duty as politicians, as leaders, as human beings, to stand united with one voice, and to say without equivocation, that anti-Semitic hatred has no place in Canada, or anywhere else."

In June the government announced a new anti-racism strategy for 2019-2022 with the stated objective of combating systemic racism and discrimination of all kinds, including discrimination based on religion. The strategy also envisaged providing

funding to empower religious minorities and others with expertise in addressing various forms of racism and discrimination and changing attitudes by increasing awareness of the historical roots of racism and discrimination. As part of that strategy, the country adopted the IHRA definition of anti-Semitism.

Section III. Status of Societal Respect for Religious Freedom

There were reports of physical violence, vandalism, hate speech, and harassment directed at religious groups, in particular against Jews and Muslims. In July Statistics Canada released hate crime statistics for 2018, which showed a 24 percent decline in the number of police-reported religiously motivated hate crimes, from 842 in 2017 to 639 in 2018. Hate crimes targeting Muslims decreased by 50 percent. Hate crimes targeting Jews were down 4 percent, accounting for 19 percent of total police-reported hate crimes in 2018.

In February a Quebec judge sentenced a man to a minimum term of 40 years after he pled guilty in 2018 to six counts of first-degree murder for killing six worshippers at the Islamic Cultural Centre of Quebec in 2017. The defendant had said he planned the assault after hearing news that Canada was prepared to accept more refugees from Muslim countries. He said he believed that Muslims posed a threat to his family's safety. In June government prosecutors recommended the country's longest sentence in history, 150 years, but the court rejected that request on the grounds that sentences exceeding a defendant's life expectancy constituted cruel and unusual punishment under the Canadian Charter of Rights and Freedoms. In March both the prosecution and the defense appealed the sentence. The case remained pending at year's end.

In July a taxi driver reportedly assaulted a Jewish man wearing a kippah after an altercation in a parking lot in Montreal. The taxi driver allegedly yelled anti-Semitic statements at the man during the incident, which the Jewish man recorded on video. In August authorities arrested and charged the taxi driver. According to media reports, the victim was not seriously injured. The taxi company employing the driver fired him immediately after learning of the incident and issued a statement that "we don't tolerate assaults, anti-Semitism, or racism." The case remained pending at year's end.

In January an Ontario court found two men who served as the editor and the publisher of a free Toronto newspaper guilty of using the publication for years to repeatedly promote hatred of Jews and of women. In August an Ontario court sentenced the editor of the newspaper to one year in prison. In August the same

judge also sentenced the paper's publisher, an indigenous person, to one year of house arrest. The judge said he took the publisher's indigenous status, poor health, and expression of remorse into account at sentencing. The law requires judges to consider adverse cultural factors faced by indigenous persons as mitigating factors when sentencing indigenous offenders. According to news reports, both men were appealing their sentences. The cases remained pending at year's end.

In August *The Edmonton Journal* apologized after running a cartoon some viewed as anti-Semitic.

In August a medical regulatory authority in British Columbia determined that a physician committed no wrongdoing when she participated in the medically assisted death of an elderly patient who had requested it but was a resident of an Orthodox Jewish nursing home that prohibited the practice on its premises. To provide medical assistance in the patient's death as permitted by law, the doctor concealed her actions from the nursing home. The regulatory authority found the doctor had complied with all legal requirements. According to news reports, the case was believed to be the first where a medical regulator had opined on whether a physician could be punished for defying the wishes of a faith-based healthcare facility in order to satisfy the legal right to a medically assisted death.

In 2018, the most recent year for which there were statistics, the B'nai Brith Canada League for Human Rights reported 11 cases of anti-Semitic violence, compared with 16 in 2017; there were 221 reports of vandalism, including the painting of swastikas on buildings, and 1,809 reports of harassment, compared with 327 and 1409, respectively, in 2017. The league received 2,041 reports of anti-Semitic cases in 2018, compared with 1,752 reports of anti-Semitic cases in 2017, and 1,728 cases in 2016. Nearly 90 percent of the occurrences (1,809) involved harassment. Eighty percent of all incidents reported in 2018 occurred online or had an online component; the physical location and identities of those posting the online messages were unknown. The greatest number of reports (709) came from Quebec, which saw a 49.6 percent increase in the total number of incidents in 2018 – from 474 reports in 2017 to 709 in 2018. In 2018, two of the cases involved violence, 30 vandalism, and 677 harassment. B'nai Brith recorded a 40.5 percent decrease in the total number of reports in Ontario, from 808 incidents in 2017 to 481 incidents in 2018. In 2018 the greatest number of violent incidents, eight, occurred in Ontario, down from 13 the previous year.

In March the Supreme Court declined to hear the appeal of two Muslim students barred from praying at their nondenominational private school. In 2011, the

students had been allowed to perform Islamic prayers for several weeks after enrolling there. According to media reports, however, the school subsequently told them they would not be allowed to pray because it was “too obvious and went against the academy’s nondenominational nature.” When the boys continued to pray, the school expelled them. The boys filed a religious discrimination action, and in 2015 the Alberta Human Rights Commission found in the boys’ favor and ordered the school to pay a C\$26,000 (\$20,000) fine. The school appealed, and the Alberta Court of Appeal eventually overturned the commission’s finding. In its ruling, the appeal court ordered a new hearing before the Alberta Human Rights Commission, which the commission then appealed to the Supreme Court. After the Supreme Court declined to hear the appeal, the Human Rights Commission held a new hearing in October and agreed to accept written closing arguments post-hearing. The hearing proceedings were not final by year’s end, and as a result, no decision had been rendered by the commission.

In March airport security screening agents in Halifax refused to allow an indigenous elder’s traditional herbal medicine pouch to be x-rayed, instead requiring the elder to open it for review, according to media reports. The elder wore the pouch around her neck and said it contained several grams of tobacco, sweetgrass, sage, and cedar. She said opening the pouch desecrated the contents and was contrary to her indigenous spirituality but opened the pouch so she could travel. According to media reports, Canadian airport screening policy states that if a traveler informs officers that the individual is carrying an item of religious significance, the officers may provide travelers with “screening options for the item based on the nature of the item” and the traveler’s preference.

In June an Ontario court ruled that a town council acted lawfully when it decided not to rename a street named “Swastika Trail.” Two residents of the Ontario town of Puslinch had petitioned the court to intervene in 2018 to implement the name change, according to media reports, after residents voted by a slim margin to keep the name.

According to media reports, in September an individual filmed himself heckling Sikh politician Gurratan Singh while Singh was giving a speech about discrimination against Muslims at Muslimfest, a two-day annual summer festival in Ontario. The man sought out Singh after the speech, reportedly to film himself yelling that “Islamophobia was created by the Muslim Brotherhood in 1990” and to otherwise harass Singh. Organizers of the event escorted the individual out of the venue.

In November the ADL released the results of a survey on anti-Semitic views of the country's residents. The survey cited stereotypical statements about Jews and asked respondents whether they believed such statements were "probably true" or "probably false." The proportion agreeing that various statements were "probably true" was: 25 percent that Jews are more loyal to Israel than to Canada; 17 percent that Jews have too much power in the business world; and 28 percent that Jews talk too much about the Holocaust.

Numerous interfaith and ecumenical organizations at the national, provincial, and local levels continued to sponsor programs to foster respect for religious diversity, tolerance, and equal treatment for all religious groups. The groups included the Canadian Council of Churches, United Church of Canada, Catholic Church, the Salvation Army, other Protestant communities, as well as Jewish and Muslim associations. The Canadian Interfaith Conversation, a collaboration of 41 faith communities and faith-based organizations that collectively "advocate for religion in a pluralistic society and in Canadian public life," continued to spotlight religious inclusion events held across the country throughout the year on its website, such as interfaith dialogues; a weeklong event exploring 11 world religions; and "Meet your Neighbor" dinners featuring different religious traditions.

In December unidentified individuals vandalized a B.C. Jewish children's summer camp with anti-Semitic graffiti, including swastikas. Camp organizers reported the crime to the Royal Canadian Mounted Police. More than 100 community members gathered for a candlelight vigil in a show of support for the camp.

Section IV. U.S. Government Policy and Engagement

The Ambassador, embassy and consulate officials, and other U.S. government officials raised respect for religious freedom and diversity with the national and provincial governments. They also raised how we might partner to promote religious freedom around the world, better support individuals persecuted for their religion, and counter rising threats to religious freedom. Embassy and other U.S. government officials met with representatives from Global Affairs Canada's Office of Diversity and Inclusion to discuss issues of religious freedom in the country, including issues raised in this report. The U.S. Department of State Special Advisor for Religious Minorities visited Ottawa in May for meetings with Global Affairs Canada and civil society in which he discussed religious freedom, including our mutual efforts to promote religious freedom around the world.

Embassy and consulate officials conducted outreach to religious leaders, NGOs, and religious groups to discuss strategies for combating religious intolerance. In May the Quebec City consulate hosted an interfaith iftar that brought together interfaith leaders, youth, and government representatives. In June the Quebec City consulate hosted an event with a U.S. delegation, interfaith leaders, and community workers who promote interfaith dialogue and mutual understanding. In August an officer from the Toronto consulate delivered remarks at Pakistan Minority Day in Brampton, Ontario, where she emphasized religious freedom as a fundamental right. In September the Toronto consulate partnered with the Friends of Simon Wiesenthal Centre for Holocaust Studies, a nonprofit organization that works to counter anti-Semitism and promote tolerance, to host a Rosh Hashanah event for guests in Toronto from the religious, civil society, and government spheres. In October the Quebec City Consul General held an event with faith leaders to discuss interfaith dialogue and cooperation.

The embassy and consulates amplified these events through social media and used their social media platforms to highlight messages of religious tolerance from senior Department of State officials in Washington.