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## Canada

**Country:**

[Canada](#)

**Year:**

2015

**FIW Status:**

F

**PR Rating:**

1

**CL Rating:**

1

**Aggregate Score:**

98

**Combined Freedom Score:**

1.0

**Overview:**

On October 22, 2014, an armed gunman entered the Canadian parliament building after fatally shooting a member of the Canadian armed forces on duty at the Canadian War Memorial. The gunman was shot and killed by parliament security personnel. Classified as a terrorist act by the Royal Canadian Mounted Police, this event marked the greatest security breach at Parliament Hill since 1996.

The day of the shooting, the Canadian government was due to present a bill that would grant Canada's spy agency, the Canadian Security Intelligence Service (CSIS), more surveillance authority and broader range for cooperation with foreign agencies. The bill would also grant "blanket anonymity" to informants for CSIS, which could have a significant impact on court proceedings that are based on accusations by informants. As of late December, the bill was pending before the House of Commons.

Numerous corruption investigations during the year resulted in the resignation of a senator and the chief of staff, as well as the suspension of three additional senators. An ongoing inquiry into corruption within Québec's construction industry revealed that the largest labor federation was under the control of organized crime.

The proposed Charter of Québec Values, intended to restrict religious expression by public sector employees, was terminated at the close of the National Assembly of Québec's parliamentary session in 2014. The newly elected Liberal party leadership announced a "new,

watered-down version” of the old bill in the fall of 2014.

## **Political Rights and Civil Liberties:**

**Political Rights:** 39 / 40 [Key]

### **A. Electoral Process:** 12 / 12

Canada is governed by a prime minister, a cabinet, and Parliament, which consists of an elected 308-member House of Commons and an appointed 105-member Senate. Senators may serve until age 75. Lower-house elections are held every four years, with early elections called only if the government loses a parliamentary no-confidence vote. The British monarch is head of state, represented by a ceremonial governor-general who is appointed on the advice of the prime minister.

In the 2011 general elections, the Conservative Party triumphed, securing 166 seats to form a majority government. The social democratic New Democratic Party (NDP) secured 103 seats to become the leading opposition party for the first time. The center-left Liberal Party won 34 seats, while the Bloc Québécois, which favors Québec separatism, secured only 4 seats. The Green Party captured 1 seat.

In November 2014, a former Conservative campaign worker, Michael Sona, was sentenced to nine months for his role in a scandal in which misleading phone calls were placed from Conservative Party campaign offices to non-Conservative voters to misinform them that their polling stations had been relocated. In 2013, the Canadian Federal Court had ruled that electoral fraud committed during the 2011 election was not severe enough to overturn the voting results.

The chief electoral officer released a report in 2013 recommending that political parties be held liable for the misuse or loss of voter information; a second report scheduled to be released before the 2015 federal election will detail sanctions and penalties for such violations.

In June 2014, the Fair Elections Act—a broad and controversial set of measures promoted by the government to address voter fraud and update campaign finance laws—came into force. An open letter signed by 465 academics vehemently argued that the act would “undermine the integrity of the Canadian electoral process.”

The 2012 Fair Representation Act added 30 new seats to the House of Commons in an effort to be distributed among Alberta, British Columbia, Ontario, and Québec, increasing effective representation of provinces with growing populations.

### **B. Political Pluralism and Participation:** 16 / 16

Canadians are free to organize in different political parties, and the political system is open to the rise and fall of competing parties. While two parties have traditionally dominated the political system—the Conservative Party, espousing a center-right to right-wing political position, and the Liberal Party, espousing a center to center-left position—recent years have seen the rise of new parties. The center-left New Democratic Party is currently the official

opposition party in the House of Commons. A total of 18 political parties competed in the 2011 elections, as well as 61 independent candidates.

### **C. Functioning of Government: 11 / 12**

Canada has a reputation for clean government and a record of vigorous prosecution of corruption cases. Canada was ranked 10 out of 175 countries and territories surveyed in Transparency International's 2014 Corruption Perceptions Index. However, the country has been criticized for failing to effectively combat bribery of foreign public officials in international business transactions. The government strengthened the Corruption of Foreign Public Officials Act in 2013 with amendments that will facilitate prosecution of Canadian individuals and companies that bribe foreign officials.

Efforts to address corruption in Québec continued during 2014 as the Charbonneau Commission, a public inquiry into corruption in the construction industry, finished its public hearing phase in September. Several mayors and others were arrested on corruption and related charges in 2013. In September 2014, former construction magnate Tony Accurso testified that he gave former Montreal police chief Jacques Duchesneau C\$250,000 (US\$200,000) to pay off campaign debt.

The controversial 2012 bill to amend the Access to Information Act and the Privacy Act failed to pass in February 2014. Despite the existence of the Access to Information Act, there are many challenges to obtaining information, including lengthy delays and excessive costs.

**Civil Liberties: 59 / 60**

### **D. Freedom of Expression and Belief: 16 / 16**

Canada's media are generally free; journalists are mostly protected from violence and harassment in their work and are able to express diverse views. However, defamation remains a criminal offense, punishable by up to five years in prison. No statutory laws protect confidential sources, and the courts often decide whether or not to respect source confidentiality on a case-by-case basis. Media ownership continues to become more concentrated.

A 2013 bill intended to combat cyberbullying has been criticized for defining the crime in vague language and allowing internet service providers and telecommunications companies to provide customer information to the government without a warrant. The bill would also allow police to remotely access personal computers and mobile phones. In June 2014 the Supreme Court ruled that law enforcement would be required to have a warrant before obtaining subscriber information. At the end of 2014, the bill was before the Senate.

The constitution and other legislation protect religious freedom. However, there have been cases of societal discrimination based on religious affiliation, including numerous acts of violence and vandalism against Canada's Jewish and Muslim communities. There has also been controversy over the legality of wearing religious clothing and face coverings in public. The Charter of Québec Values bill, an effort to restrict "overt" and "conspicuous" religious

symbols in 2013, was terminated with the end of the National Assembly of Québec session in 2014. Following the electoral loss of the Parti Québécois in April provincial elections, the new majority Liberal party announced it was proceeding with a more moderate version of the bill.

Academic freedom is respected. However, a policy prohibiting federally funded scientists from speaking to the media about their research, even after it has been published, continued to be enforced in 2014.

## **E. Associational and Organizational Rights: 12 / 12**

Freedoms of association and assembly are generally respected. However, the police response to 2012 student demonstrations against tuition hikes in Québec occasionally turned violent. In May 2014 a provincial government–appointed commission issued a report condemning both the Liberal government’s response to the protests and the police force’s tactics in handling protesters. The Liberal government criticized the report as politically motivated.

Trade unions and business associations enjoy high levels of membership and are well organized. However, the Conservative government has adopted a tough line with unions representing public workers and has interfered with the rights of workers to organize, strike, and bargain collectively.

## **F. Rule of Law: 15 / 16**

The judiciary is independent. Canada’s criminal law is based on legislation enacted by Parliament; its tort and contract law is based on English common law, with the exception of Québec, where it is based on the French civil code.

A 2012 anticrime law increased mandatory minimum sentences, provided for harsher sentences for young offenders, and eliminated conditional sentences such as house arrest or community service for some crimes. According to the 2013–14 Annual Report of the Office of the Correctional Investigator, the country’s prison population has increased 17.5 percent since 2005. The number of visible minorities in prison has risen by 75 percent in the last decade; while the aboriginal population comprises about 4 percent of Canada’s population, they represent close to one-quarter of all inmates.

While authorities have taken important steps to protect the rights of the country’s indigenous population, they remain subject to multiple forms of discrimination and have unequal access to education, health care, and employment. In a landmark ruling delivered in June 2014, the Supreme Court of Canada held that, unless they signed a treaty with the government, Canada’s indigenous populations still hold title to their ancestral lands. The ruling also provided long-awaited detail on the specifics of indigenous title.

Human rights groups have argued that an immigration law that took effect in 2013 creates an unfair system by increasing detention time for refugees and granting sole discretion to the minister of citizenship and immigration to designate certain countries of origin as “safe.” The law also imposes a waiting period of five years before refugees can apply for permanent residence.

Despite advances in legal equality, LGBT (lesbian, gay, bisexual, and transgender) Canadians continue to occasionally face discrimination and be the targets of hate crimes.

## **G. Personal Autonomy and Individual Rights: 16 / 16**

Freedom of movement is constitutionally protected and upheld in practice. Property rights in Canada are not constitutionally protected, and a 2012 survey published by the Fraser Institute found that Canadian property rights were the weakest among “Western Countries.”

Women’s rights are protected in law and in practice. Women hold approximately 25 percent of the seats in the lower house of Parliament, about 37 percent in the Senate, and about one-third of the cabinet. Women are well represented in the labor force, though they still earned 28 percent less than men for the same work in Ontario in 2012. Indigenous women and girls face racial and economic discrimination, as well as high rates of gender-based violence. In 2012, Canada enacted a National Action Plan to Combat Human Trafficking.

Canada legalized same-sex marriage in 2005.

### **Scoring Key: X / Y (Z)**

**X = Score Received**

**Y = Best Possible Score**

**Z = Change from Previous Year**

### **Full Methodology**

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