

CANADA 2018 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 2015, the Liberal Party, led by Justin Trudeau, won a majority of seats in the federal parliament, and Trudeau formed a government at the request of the governor general.

Civilian authorities maintained effective control over the security forces.

Human rights issues included reports of deadly violence against women, especially indigenous women, which authorities investigated and prosecuted.

There was no impunity for officials who committed violations, and the government took steps to identify, investigate, prosecute, and punish them.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

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

There were no significant reports regarding prison or detention center conditions that raised human rights concerns.

Physical Conditions: There were no major concerns cited in prisons and detention centers regarding physical conditions. Adults and juveniles were held separately, although minors were held with their parents in immigration detention centers as an alternative to splitting families.

Civil society groups challenged federal and some provinces' use of solitary confinement in the court system. The cases limited solitary confinement of the mentally ill and recommended caps on the length of time an inmate can be placed in solitary confinement. In May 2017 the federal correctional investigator or ombudsman for federally sentenced offenders reported an estimated 400 federal inmates were in solitary confinement on any given day and reported the average length of stay for men at 22 days (down from 35 days in previous years), and for women an average of 10 days. The average time inmates spent in solitary confinement also fell in part due to assignment of high-needs inmates to treatment programs and specialized units for mental care, drug addiction, or other factors as an alternative to segregation.

In July an Ottawa man filed suit against the Ontario government for a mental health breakdown he alleged occurred after spending 18 months in solitary confinement while on remand awaiting trial.

On January 5, the Royal Canadian Mounted Police (RCMP) indicted two correctional officers for manslaughter and criminal negligence causing the in-custody death of Matthew Hines, who died from asphyxiation in 2015 after being repeatedly pepper sprayed. On April 25, both defendants pleaded not guilty, and their cases were pending trial as of October 1.

Administration: Independent authorities investigated credible allegations of inhumane 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.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court; the government generally observed these requirements.

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 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. There were no reports of impunity involving the security forces during the year.

Arrest Procedures and Treatment of Detainees

Authorities generally relied upon warrants in the apprehension of persons. A judge can issue a warrant if 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. Authorities provided detainees with timely information on the reason for the arrest and provided prompt access to a lawyer of the detainee's choice, or, if the detainee was indigent, a lawyer provided by the state without restriction. Bail generally was available. Authorities may hold persons under preventive detention for up to seven days, subject to periodic judicial review. Suspects were not detained incommunicado or held under house arrest.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected judicial independence and impartiality.

Trial Procedures

The law provides for the right to a fair and public trial, and the independent judiciary generally enforced this right. Trials are held before a judge alone or, for more serious cases, before a judge and jury. Defendants have the right to a timely trial, to be present at their trial, 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 had adequate time and facilities to prepare a defense. Defendants also enjoy a presumption of innocence, the right to be informed promptly and in detail of the charges against them (with free interpretation as necessary), the right not to be compelled to testify or confess guilt, and the right of appeal.

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 domestic 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. Individuals may also bring human rights complaints to the United Nations or Inter-American Commission on Human Rights.

f. Arbitrary or Unlawful 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 Expression, Including for the Press

The constitution and law provide for freedom of expression, including for the press, and the government generally respected this right. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for the press.

Freedom of Expression: According to Supreme Court rulings, the government may limit speech to counter discrimination, foster social harmony, or promote gender equality. The court 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 impose some restrictions on the media.

On August 9, the Supreme Court announced it would hear the appeal of a Quebec superior court ruling in March that ordered a Radio Canada journalist to reveal confidential sources the journalist used involving a former deputy premier of the province. On November 30, the Supreme Court reaffirmed its prior rulings that the government may compel media organizations to produce evidence in relation to criminal investigations. In its decision the court declined to address whether the press enjoys distinct and independent constitutional protection, noting the matter was not considered by the lower courts. The court also noted that the 2017 Journalistic Sources Protection Act did not apply, because the case arose before the law took effect.

The trial of a Mississauga, Ontario, man charged in 2017 with one count of willful promotion of hatred for posting abusive videos and materials against Muslims and other groups on his website and other social media platforms remained pending as of October 1.

In December 2017 a Quebec government commission presented its findings after investigating reports that Quebec law enforcement agencies surveilled eight journalists between 2008 and 2016 as part of internal police investigations into sources of leaked information in a political corruption case. Although the police had a warrant from a Quebec court for each case, testimony suggested police might have based warrant applications on unsubstantiated allegations. The commission found no conclusive proof of political interference with police investigations but recommended legislation to establish a legal firewall between police and politicians and to protect journalistic sources, as well as improve police training to ensure freedom of the press.

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.

Approximately 99 percent of households could access broadband services. According to International Telecommunication Union data, 93 percent of the population used the internet in 2017.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of peaceful 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/religiousfreedomreport/.

d. Freedom of Movement

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, or other persons of concern.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

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 held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: In 2015, following a free and fair election, the Liberal Party won a majority of seats in the federal parliament and formed a national government.

Participation of Women and Minorities: No laws limit the participation of women or members of minorities in the political process, and they did participate. The government of New Brunswick provided financial incentives to political parties to field female candidates in provincial elections.

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 no reports of government corruption during the year.

Financial Disclosure: By law public officeholders, including elected members of the executive branch and their staffs 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. 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. Provincial governments provide independent audits of government business and ombudsman services.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses 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.

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

Women

Rape and Domestic Violence: The law criminalizes rape of men or women, 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. Most victims of sexual assault were women.

The law provides protections against domestic violence for both men and women, although most victims were women. 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.

According to the government's statistical agency, indigenous women were three times more likely than nonindigenous women to experience violent abuse and, according to the RCMP, were four times more likely to be victims of homicide. Civil society groups also claimed federal and subnational governments failed to allocate adequate resources to address these cases.

The federal government launched an independent national inquiry into the issue of missing and murdered indigenous women in 2016 with a mandate to report by the end of 2018. In March the inquiry body requested a two-year extension of its mandate and an additional 50 million Canadian dollars (C\$) (\$38.4 million) budget, but on June 5, the federal government granted a limited extension to allow the inquiry to submit its final report by April 30, 2019, and to end all operations by June 30, 2019. The inquiry is a collaborative federal-provincial exercise, and the federal government stated some provincial governments did not agree to extend the mandate for hearings, leaving only the option of extra time for writing the report. As of August, in addition to increased funding for the inquiry, the federal government allocated C\$37.1 million (\$28.5 million) for health-support services, family support, police investigative services, and a commemorative fund for victims in response to the inquiry's interim reports. Indigenous and other critics criticized the inquiry for a slow work schedule.

Police received training in treating victims of domestic violence, and agencies provided hotlines to report abuse. In 2017 the RCMP, Ontario and Quebec provincial police services, and various municipal police forces announced reviews of their handling of sexual assault allegations. This review followed an investigative media report analyzing 870 police jurisdictions between 2010 and 2014 that found police dismissed complaints of sexual assault as "unfounded" without laying charges at an average national rate of 19 percent, with reported rates as high as 60 percent in some jurisdictions. As of December 2017, police had placed more than 37,000 case files under review across the country, of which they had reopened 402 cases of sexual assault previously deemed "unfounded" and determined 6,348 sexual assault cases had been misclassified. Some participating police forces announced they had initiated, or would launch, new training programs on policing sexual violence and its impact on victims. The same month a study by the national statistical agency of sexual assault cases between 2009 and 2014 across the country found one in five sexual assault cases substantiated by police went to court and an estimated one in 10 resulted in a conviction. The study estimated 5 per cent of sexual assaults in the country were reported to authorities. On January 19, the province of Nova Scotia hired two new prosecutors dedicated

solely to sexual violence cases and to providing advice and specialized training to other Nova Scotia prosecutors.

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 with civil society organizations to eliminate violence against women and advance women's human rights. In 2017 the government launched a national strategy to prevent and address gender-based violence, budgeting C\$101 million (\$77.6 million) over five years to create a center of excellence within Status of Women Canada for research, data collection, and programming. In June the 2018 federal budget allocated an additional C\$86 million (\$66 million) over five years, starting in 2018-19, and C\$20 million (\$15.4 million) per year thereafter, to expand the strategy with a focus on preventing teen dating violence, bullying, and cyberbullying; health care for victims; investigative policing; police training; research; funding for rape crisis and sexual assault centers; and programs to prevent gender-based violence in postsecondary educational institutions. Provincial and municipal governments also sought to address violence against women, often in partnership with civil society.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C of women and girls and prosecutes the offense, including parents of minors, as aggravated assault with a maximum penalty of 14 years' imprisonment. FGM/C was practiced on occasion in the country, predominantly in diaspora communities. While internal government reports obtained by media organizations asserted that FGM/C practitioners and victims often travelled to a third country to provide the illegal procedure, officials also sought to prevent the entry of FGM/C practitioners into Canada. In 2016 the government instructed border services officers to monitor inbound baggage for FGM/C equipment and to be aware of young female nationals returning from regions where they may be subjected to the practice.

Sexual Harassment: The law offers protections from sexual harassment at the workplace but does not articulate a specific offense of "sexual harassment" outside of work; instead it criminalizes harassment (defined as stalking), punishable by up to 10 years' imprisonment, and sexual assault, with penalties ranging from 10 years for nonaggravated sexual assault to life imprisonment for aggravated sexual assault. 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 had internal policies against sexual harassment, and federal and provincial governments provided public education and advice.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: Women have the same legal status and rights in the judicial system as men, and the government enforced the rights effectively. On May 1, the federal government passed legislation requiring companies in federally regulated sectors to file annual reports on the gender and racial diversity of their boards and on their diversity policies. The government reported women accounted for 48 percent of the workforce but held an estimated 14 percent of all seats on domestic corporate boards and an estimated 22 percent of seats in Financial Post 500 companies. 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 hourly wages for women were, on average, lower than for men but that the wage gap had narrowed over the past two decades. On May 25, the Ontario government passed legislation to require employers to report salaries broken down by gender and other factors to promote transparency in pay and help close a gender wage gap. The measures apply first to the provincial public service and are to extend to private-sector employers in a staggered rollout over three years based on organizations' number of employees.

Indigenous women living on reservations (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.

Indigenous 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. In December 2017 the federal government eliminated inequalities in the act that had prevented indigenous women from transmitting officially recognized Indian status to their descendants on the same basis as indigenous men. The change resulted from a 2015 Superior Court of Quebec ruling that the act violated equality rights provided for in the country's constitution.

Children

Birth Registration: Citizenship is derived both by birth within the country's territory and from one's parents. Births are registered immediately and are not

denied or not provided on a discriminatory basis. There were no reports of the government denying public services, such as education or health care, to those who failed to register.

Child Abuse: 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, when warranted.

Early and Forced Marriage: The law establishes 16 years as the legal minimum age of marriage. Early marriages were not known to be a major problem. The law criminalizes the removal of a child from the country for the purpose of early and forced marriage and provides for court-ordered peace bonds, which may include surrendering of a passport, to disrupt an attempt to remove a child for that purpose.

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation of children, the sale of children, and offering or procuring a child for child prostitution and practices related to child pornography. Authorities enforced the law effectively. The minimum age of consensual sex is 16 years. Persons convicted of living from the proceeds of the 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. See the Department of State's *Annual Report on International Parental Child Abduction* at travel.state.gov/content/travel/en/International-Parental-Child-Abduction/providers/legal-reports-and-data.html.

Anti-Semitism

Approximately 1 percent of the population is Jewish.

The B'nai Brith Canada League for Human Rights received 1,752 reports of anti-Semitic incidents in 2017, a 1.4 percent increase from 2016, which previously had recorded the highest number of incidents in the audit's history. The greatest number of reports (808) came from Ontario, the most populous province. Incidents included harassment (80 percent), vandalism (19 percent), and violence (1 percent).

On January 18, a protester unfurled a Canadian flag defaced with Nazi symbolism and the words "evil empire" and "fig leaf" during a public meeting with the prime minister in Quebec City and was escorted out of the event by police.

In December 2017 at least eight synagogues in four cities across the country received anti-Semitic letters depicting swastikas and calling for the death of Jews. Police in each affected community opened investigations, and some proactively increased patrols of Jewish facilities.

On November 8, Prime Minister Trudeau delivered his previously announced formal apology for the then government's decision in 1939 to refuse landing to Jewish refugees aboard the steamship St. Louis. The refugees on board had been fleeing a Nazi round-up in Europe.

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, including their access to education, employment, health services, transportation, the judicial system, and other state services. The federal minister of families, children, and social development, supported by the minister of persons with disabilities, provides federal leadership on protecting the rights of persons with disabilities, and provincial governments also have ministerial-level representation. 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. No comprehensive federal legislation protects the rights of persons with disabilities, creating a situation where accessibility provisions were unevenly implemented and enforced throughout the country.

Children with disabilities attended primary, secondary, and higher education, and the majority attended classes with nondisabled peers or in a combination of nondisabled and special education classes with parental consent.

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, and complainants could apply to them for investigation of alleged abuses or discrimination and for remedy. The government provided specialized services and disability monetary benefits. Facilities existed to provide support for persons with mental-health disabilities, but mental-disability advocates asserted 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.

On February 5, the Nova Scotia Human Rights Board of Inquiry heard a complaint that alleged the province discriminated against low-income persons with disabilities who relied on publicly funded residential care and were housed in institutions such as hospitals or locked custodial facilities, from which they could not freely leave. The plaintiffs wanted the province to fund housing and care in home-based settings in the community. The government supported the principle of community-based care but argued that access to subsidized housing of an individual's choice is not a human right under provincial legislation. The case remained pending as of October 1.

National/Racial/Ethnic Minorities

The law prohibits discrimination because of race. Federal, provincial, and territorial human rights commissions investigated complaints and raised 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.

According to the government's statistical agency, 1,409 incidents of hate crimes were reported to police in 2016 (the latest available figures), of which 666 were motivated by race or ethnic bias (up 4 percent from 2015), and 48 percent involved violence, including assault and uttered threats. Blacks and Jews constituted the most commonly targeted groups.

On January 19, a white nationalist group claimed responsibility for the erection of 24 racist posters at various locations on the University of New Brunswick campus in Fredericton. University authorities removed the posters as soon as they were discovered, and campus security and Fredericton police both opened investigations that remained pending as of October 1.

Indigenous People

Indigenous peoples constituted approximately 5 percent of the national population and much 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 peoples remained underrepresented in the workforce, leadership positions, and politics; 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, the overall violent victimization rate (which includes sexual assault, assault, and robbery) for indigenous persons in 2014 was 163 incidents per 1,000 persons, more than double the rate of 74 incidents per 1,000 among nonindigenous persons.

The law recognizes individuals registered under the Indian Act based on indigenous lineage and members of a recognized First Nation as Status Indians and thereby eligible for a range of federal services and programs. Status and services are withheld from unregistered or nonstatus indigenous persons who do not meet eligibility criteria for official recognition or who may have lost status through marriage to a nonindigenous person or other disenfranchisement. According to the government's statistical agency, in 2011 indigenous children accounted for 7 percent of the total population younger than 14 years, but almost 50 percent of the approximately 30,000 children younger than 14 in foster care. In November 2017 the federal minister responsible for indigenous services publicly described the disproportionate number of indigenous children in the child welfare system as a "humanitarian crisis."

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 that 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.

The law imposes statutory, contractual, and common-law obligations to consult with indigenous peoples on the development and exploitation of natural resources on land covered by treaty or subject to land claims by First Nations. 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 indigenous and treaty rights.

The Supreme Court has affirmed that indigenous title extends to territory used by indigenous 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 indigenous title but are obliged to obtain consent of the indigenous titleholders in addition to existing constitutional duties to consult, and where necessary, accommodate indigenous peoples in matters that affect their rights. If governments cannot obtain consent, they may proceed with resource development only based on a "compelling and substantial objective" in the public interest, in which the public interest is proportionate to any adverse effect on indigenous interests. The court has established that indigenous titles are collective in nature.

On February 14, the government announced it would develop a Recognition and Implementation of Rights Framework, in consultation with First Nations, Inuit, and Metis peoples, to reform government policies and practices to ensure that the premise for all federal government action is the recognition of indigenous rights. The government held national public consultations from February to May and committed to introduce the framework by the end of 2018 and to implement it in 2019.

On July 8, First Nations, Inuit, and Metis former students of federal and provincial government-funded day schools filed a national class-action lawsuit for alleged

physical, sexual, and psychological abuse and loss of culture and language, which they claimed they suffered in church-run schools they were legally compelled to attend from 1920. The suit alleged the government breached its duty of care to the children. Indigenous students of day schools were excluded from a landmark residential schools settlement and compensation package in 2006. In 2016 the government settled a C\$50 million (\$38.4 million) class-action suit brought by survivors of indigenous residential schools in Newfoundland and Labrador who were also excluded from the 2006 settlement, and in November 2017 the prime minister issued a formal public apology to these survivors and their families.

On February 1, the government announced it would immediately begin funding child welfare services for indigenous children living on reserves at the same level as child welfare agencies off reserve, retroactive to January 2016. In 2016 the Canadian Human Rights Tribunal had ruled the federal government discriminated against indigenous children when it failed to fund welfare services for children living on reserves at the same level of services for off-reserve populations. While the government dedicated new funds to address inequities in welfare services for children living on reserve following the ruling, the tribunal issued four noncompliance orders, most recently in February, arguing discrepancies continued to exist. In November 2017 the government withdrew its application for judicial review of two parts of the tribunal's ruling.

In 2017 the federal government signed the Canada-Metis Nation Accord with the Metis National Council to start negotiations on shared priorities in a permanent twice-annual forum chaired by the prime minister, as well as framework agreements with leaders of the five regional members of the Metis National Council to open negotiations on self-government, lands, rights, and other claims. In 2016 the Supreme Court had ruled unanimously the Metis and non-Status Indians are Indians under the Constitution Act and fall under the jurisdiction of the federal government. Nearly 600,000 citizens identify as Metis.

On August 9, the Federal Court and Ontario Superior Court approved a financial settlement between the federal government and indigenous citizens across the country of the "Sixties Scoop," during which child-welfare services removed an estimated 20,000 indigenous children, 16,000 of them in Ontario, from their parents' custody and placed them with nonindigenous foster families in Canada and the United States. The settlement compensates for loss of cultural identity. The package included C\$50 million (\$38.4 million) for a new Indigenous Healing Foundation to enable change and reconciliation.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

The law prohibits discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons in housing, employment, nationality laws, and access to government services, including health care, and the government enforced the law. The law prohibits discrimination based on sexual orientation, gender identity, and gender expression, 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 explicitly prohibit discrimination based on gender identity. Ontario, Nova Scotia, Prince Edward Island, Alberta, Newfoundland and Labrador, Quebec, New Brunswick, and British Columbia prohibit discrimination based on gender identity and gender expression. Nunavut and Yukon territories prohibit such discrimination implicitly based on “sex” or “gender.”

Provinces and territories have different requirements for persons to change their legal gender marker in documents such as birth certificates and identifications. Some provinces require one or more physicians to certify the applicant has completed sex reassignment surgery before an applicant may change their legal gender marker. The provincial governments of Newfoundland and Labrador, Prince Edward Island, Nova Scotia, British Columbia, Ontario, Saskatchewan, Manitoba, and Alberta allow residents to change their gender marker with a personal or physician’s declaration indicating the individual’s gender identity.

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 for the LGBTI communities.

On February 14, the premier of Prince Edward Island publicly condemned vandalism by unknown perpetrators who spray-painted homophobic slogans on a church in the province.

In March the federal government directed public servants to use gender-neutral terms, such as “parent” instead of “mother” or “father,” when interacting with the public and committed to delete a requirement to provide a parent’s “maiden name” when completing government forms on behalf of their children to ensure terminology is inclusive and does not discriminate against same-sex parents.

On June 21, the federal government passed legislation to expunge the criminal records of men convicted for past consensual homosexual acts. In November 2017 the government issued a formal apology to, and reached an agreement in principle and a maximum C\$110 million (\$84.5 million) financial settlement with, former federal public servants, including members of the military and RCMP who were investigated and sometimes fired because of their sexual orientation over 30 years ending in the 1990s. The package remained subject to approval by the Federal Court.

In December 2017 the federal Correctional Service changed its policy to allow transgender offenders to be placed in male or female institutions according to their gender identity (except in exceptional cases where health or safety concerns cannot be resolved), to be addressed by their preferred name and pronoun, and to be offered a choice of male or female officers to conduct body searches, testing of bodily fluids, and camera surveillance.

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. The law also makes 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 and Ontario do not have the right to organize or bargain collectively under provincial law.

The government generally respected freedom of association and the right of collective bargaining. The government effectively enforced applicable laws and regulations, including with effective remedies and penalties such as corrective workplace practices and criminal prosecution for noncompliance and willful violations. Penalties were sufficient to deter violations. Administrative and judicial procedures were not subject to lengthy delays and appeals.

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. 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 periodic inspections and mandatory compliance reviews, ensuring that employers provided the same wages, living conditions, and occupation specified in the employers' original job offer. The government can deny noncompliant

employers the permits required to recruit foreign workers for two years and impose fines of up to C\$100,000 (\$76,800) per violation of the program. Some provincial governments imposed licensing and registration requirements on recruiters or employers of foreign workers and prohibited the charging of recruitment fees to workers.

There were reports employers subjected noncitizen or foreign-born men and women to forced labor in the agricultural sector, food processing, cleaning services, hospitality, construction industries, and in domestic service. NGOs reported bonded labor, particularly in the construction industry, and domestic servitude constituted the majority of cases of forced labor and that some victims had participated in the Temporary Foreign Worker Program.

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

The law prohibits the worst forms of child labor. 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. Enforcement occurs through a range of laws covering 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 nonschool 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 child labor occurred, particularly in the agricultural sector. There were also reports children, principally teenage females, were subjected to sex trafficking and commercial sexual exploitation (see section 6, Children).

d. Discrimination with Respect to Employment and 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 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. The government enforced the law effectively, and penalties were sufficient to deter violations. Federal law requires, on a complaint basis, equal pay for equal work for four designated groups in federally regulated industries enforced through the Canadian Human Rights Commission: women, persons with disabilities, indigenous persons, 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. Some critics complained 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 discrimination occurred against migrant workers and that some refugee claimants faced language and other nonlegal barriers that made it difficult to enter the workforce.

e. Acceptable Conditions of Work

There is no national minimum wage and no official poverty income level. As of October provincial and territorial minimum wage rates ranged from C\$14.00 to C\$11.06 (\$10.75 to \$8.50) per hour. Some provinces exempt agricultural, hospitality, and other specific categories of workers from minimum wage rates. For example, Ontario has a minimum wage lower than the respective minimum for adult workers for persons younger than 18 who work less than 28 hours per week when school is in session. The government effectively enforced wage rates and penalties were sufficient to deter violations.

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. 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. Responsibility for identifying unsafe situations resides with authorities, employers, and supervisors, not the worker. Federal, provincial, and territorial laws protect the right of workers with “reasonable cause” to refuse dangerous work and to 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.

Minimum wage, hours of work, and occupational health and safety standards were effectively enforced. 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 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 2016, the most recent year for which data were available, there were 904 workplace fatalities.