



Office for Democratic Institutions and Human Rights

CANADA

PARLIAMENTARY ELECTIONS

19 October 2015

**OSCE/ODIHR Election Assessment Mission
Final Report**



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I. EXECUTIVE SUMMARY

Following an invitation from the Delegation of Canada to the Organization for Security and Co-operation in Europe (OSCE), the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Assessment Mission (EAM) for the 19 October 2015 parliamentary elections in Canada. The OSCE/ODIHR EAM looked at certain aspects of the election process based on issues identified by an earlier OSCE/ODIHR Needs Assessment Mission. In line with standard OSCE/ODIHR EAM methodology, the mission did not conduct a comprehensive and systematic observation of election day proceedings, however a limited number of polling stations were visited.

The 2015 parliamentary elections demonstrated the credibility of the election process in Canada. Legislation comprehensively provides for electoral rights, although recent changes, passed without cross-party support, were controversial and reduced some of the election administration's powers. Elections Canada, headed by the Chief Electoral Officer (CEO), warrants the high level of public confidence. The campaign was highly competitive, taking place in an open atmosphere, and results were swiftly announced and accepted. However, additional measures could be considered to strengthen the equality of the vote among constituencies, legally provide for citizen and international election observation, further increase the participation of women, aboriginal peoples and minorities and to improve the efficiency of the polling process.

The Canada Elections Act (hereinafter, Elections Act) provides a comprehensive and sound basis for democratic elections. In 2014, the parliament adopted the Fair Elections Act (FEA) without cross-party support, which risks creating a perception that partisan interests were served. Although the changes included various positive developments, concerns were expressed by various OSCE/ODIHR EAM interlocutors regarding the stricter voter identification rules and restrictions on the authority of the CEO to communicate messages about why to vote. These limitations were seen as likely to disproportionately impact disadvantaged groups. Aboriginal and minority organizations reported that they had not been sufficiently consulted on the changes. The law does not provide for citizen and international observation, which is left to the discretion of the CEO.

Canada's 338 constituencies vary in population from 26,728 to 132,443, with 156 deviating by more than 10 per cent from the national average, and 91 by more than 15 per cent, undermining equality of the vote. The law allows exceeding the permissible deviation in certain circumstances, such as to protect aboriginal peoples, to align boundaries with historical divisions, or to maintain a manageable size in sparsely populated areas. Despite these deviations, however, there was overall confidence in the boundary delimitation process.

All OSCE/ODIHR EAM interlocutors expressed trust and confidence in the election administration's professional performance, impartiality and transparency. Elections Canada made notable efforts to maximize enfranchisement and provide full public information. The voter register is updated regularly using federal, provincial and territorial data sources. Voters are given extensive opportunities to register and update their data. No concerns were expressed about the accuracy of the voter lists. By

¹ The English version of this report is the only official document. An unofficial translation is also available in French.

law, voters have to confirm their identity and residency to be able to vote. With the adoption of the FEA the use of voter information cards was prohibited as proof of identity and residence, and vouching was replaced with a more burdensome process for confirmation of address. Overall, this created additional administrative burdens for both voters and the election administration.

The competitive and vibrant campaign was conducted with respect for the fundamental freedoms of expression, association and assembly. In the last month it became increasingly antagonistic. Twenty-three political parties were registered and 1,792 candidates nominated. The official campaign lasted for 78 days, the longest in more than 140 years. This resulted in significantly higher campaign expenditures, with the FEA introducing a formula that increases spending limits according to the length of the campaign. Campaign finance is well regulated by the detailed provisions in the Elections Act. There is no requirement for interim financial reporting during the campaign. Some OSCE/ODIHR EAM interlocutors expressed concerns about the challenges experienced with the current reporting arrangements.

Representation of women in the parliament has been consistently growing over years, including in these elections. In total, 88 women were elected, increasing the proportion of women members of parliament (MPs) from 25 to 26 per cent. The parties vary widely in their policies on promoting women's participation. All the main political parties addressed gender issues in their party platforms, and three of the five main political parties increased their proportion of female candidates. Gender disaggregated data is generally available.

The proportion of MPs from aboriginal and minority communities in the new parliament increased substantially to an estimated 16.8 per cent. However, this is still lower than the 23.4 per cent share of the aboriginal and "visible" minority community in the total population. Historical disenfranchisement and exercise of the right to choose whether to participate in political life, have contributed to a lower than average turnout among the First Nations. For these elections, the Assembly of First Nations leadership, for the first time, publicly urged members to vote. Many OSCE/ODIHR EAM interlocutors expressed concern about heightened societal division following the heated rhetoric over the *niqab* issue during the latter stage of the campaign. Limitation of CEO's voter education capacities, primarily affecting aboriginal peoples and other vulnerable categories of voters, was also mentioned as a concern.

The complaints' system empowers any voter or candidate in an electoral constituency, by application to a competent court, to contest the election results with appeals made to the Supreme Court, which is obliged to hear such cases without delay. However, in general, there are no specified timeframes for the courts to resolve other election cases. The Commissioner of Canada Elections (hereinafter, Commissioner) is tasked with the enforcement of the Elections Act. All offences under the Elections Act, even minor ones, are classified as criminal and liable to prosecution, with no provision for administrative penalties. This results in delays and limits the ability of the Commissioner to deal with minor offences in an equitable manner. The Commissioner's lack of authority to compel witnesses may further delay the process.

Some 285,000 election workers were engaged for election day. Political parties have shown diminishing interest in submitting poll worker candidates making it burdensome to recruit and train the additional staff needed in the limited time remaining. At the limited number of polling stations visited by the OSCE/ODIHR EAM, voting was generally well organized by competent officials. The OSCE/ODIHR EAM interlocutors referred to voting procedures being unnecessarily complicated especially in relation to verification of identification and residency. In addition, the legal requirement for use of a serially numbered counterfoil was cumbersome and required staff to handle marked ballots. Elections Canada immediately posted results on their website and simultaneously shared them electronically for further public dissemination. Turnout was reported at 68 per cent.

II. INTRODUCTION AND ACKNOWLEDGMENTS

Following an invitation from the Delegation of Canada to the Organization for Security and Co-operation in Europe (OSCE) to observe the 19 October 2015 parliamentary elections and based on the recommendation of a Needs Assessment Mission conducted from 19 to 22 May, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) deployed an Election Assessment Mission (EAM) to look at certain aspects of the election process.²

The OSCE/ODIHR EAM was headed by Hannah Roberts, and consisted of six election experts from six OSCE participating States. The EAM was based in Ottawa, with experts visiting Winnipeg, Toronto, and municipalities in the Ottawa area in Ontario and Quebec, as well as several First Nation reserves. The electoral process was assessed for its compliance with OSCE commitments, other international obligations and standards for democratic elections and with national legislation. In line with the OSCE/ODIHR's methodology, the EAM did not observe election day proceedings in a systematic or comprehensive manner, however, mission members did visit a limited number of polling stations during advance polling and on election day.

The OSCE/ODIHR EAM wishes to thank the authorities of Canada for the invitation to observe these elections, and the Department of Foreign Affairs, Trade and Development, Elections Canada, the Commissioner of Canada Elections and other authorities for their assistance and co-operation. The OSCE/ODIHR EAM also wishes to express gratitude to the representatives of political parties, candidates, civil society organizations, academics and other interlocutors who took the time to share their views.

III. BACKGROUND AND POLITICAL CONTEXT

Canada is a constitutional monarchy with a federal system of parliamentary government. The Crown is the head of state and legislative powers are vested in the bicameral parliament. Members of the lower chamber, the House of Commons, are elected by popular vote, while members of the upper chamber, the Senate, are appointed by the Governor General on the advice of the prime minister.

The party with the largest number of elected representatives traditionally forms the government and its leader serves as prime minister. In turn, the prime minister appoints the cabinet of ministers. Within a federal structure, regional competencies and powers are exercised by ten provincial and three territorial governments.

Previous parliamentary elections, held on 2 May 2011, resulted in five parties elected to the House of Commons. The Conservative Party obtained 167 of the 308 seats to secure a parliamentary majority. The opposition was led by the New Democratic Party (NDP) with 102 seats, followed by the Liberal Party (34), Bloc *Québécois* (4), and the Green Party (1).

IV. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

A. LEGAL FRAMEWORK

Parliamentary elections are regulated by the Constitution Act, the Charter of Rights and Freedoms, the Canada Elections Act (hereinafter, Elections Act), the Electoral Boundaries Readjustment Act

² All OSCE/ODIHR reports on Canada are available at: <http://www.osce.org/odihr/elections/canada>.

(EBRA), and opinions, guidelines and interpretation notes issued by Elections Canada.³ Other relevant legislation includes the Human Rights Act, the Telecommunications Act, and the Criminal Code, as well as judicial decisions, notably those of the Supreme Court.⁴

The Elections Act is a comprehensive election code, which provides a sound basis for democratic elections. Some stakeholders, including within the election administration, regard the Elections Act as too detailed providing insufficient flexibility for Elections Canada to adapt to situations that may arise during an election. However, the Elections Act authorizes the Chief Electoral Officer (CEO) to adapt any provision of the Act during the election period or within 30 days after the election, if such an adaptation is deemed necessary due to an emergency, an unusual or unforeseen circumstance or an error.⁵ In line with a previous OSCE/ODIHR recommendation, such adaptations are published on the Elections Canada website and have the force of law.

In May 2014 parliament adopted the Fair Elections Act (FEA), which amended the Elections Act. The process of adoption has been subject to criticism from non-incumbent parties, election administrators and civil society. Many OSCE/ODIHR EAM interlocutors alleged late and insufficient parliamentary consultation and referral to expertise. The absence of clear public interest rationale for some changes was lamented by some as a deviation from established good parliamentary practice in Canada. While some concessions in the final provisions were made, the FEA has been divisive, and was passed without cross-party support.⁶

Any process of amendment to electoral legislation should involve robust consultations and include a degree of cross-party agreement. Consultations should include amongst others, representatives of women, aboriginal and minority groups.

The FEA introduced changes to election administration responsibilities, the rules for voter contact through telephone communications, campaign finance and the process of voter identification and attestation (vouching) to the residence of a voter. Although the changes included various positive developments, concerns were expressed by various OSCE/ODIHR EAM interlocutors related to the stricter voter identification rules that could result in the possible disenfranchisement of student, elderly, low-income, and, aboriginal voters in particular. Also, the transfer of the office and the appointment of the Commissioner of Canada Elections (hereinafter, Commissioner) to the office of the Director of Public Prosecution was criticized for creating the risk of actual or perceived conflict of interest. There was also criticism of the restrictions put on the authority of the CEO to communicate voter mobilization messages. There is an ongoing litigation seeking to declare unconstitutional the provisions of the FEA on voter identification, vouching, transfer of the Commissioner's Office and restrictions on the CEO mandate.

³ For these elections eight instructions were produced on issues such as special ballots cast without completed applications, and detailed procedures on incarcerated and repeated voters.

⁴ Canada has ratified the human rights treaties relevant to elections including the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), the International Convention on the Elimination of Racial Discrimination (ICERD) and the Convention on the Rights of Persons with Disabilities (CRPD). Canada has also ratified the Convention against Corruption.

⁵ The CEO issued eight adaptations for the 2015 elections under the Elections Act subsection 17(1), including allowing the counting of advance ballots before the close of the polls, permitting the use of photocopied ballots on election day and establishing extra polling stations.

⁶ Votes in favour were from the ruling Conservative party while all other representatives voted against. The Council of Europe's European Commission for Democracy through Law (Venice Commission) Code of Good Practice in Electoral Matters notes "electoral law must enjoy a certain stability, protecting it against party political manipulation". Canada has observer status with the Venice Commission. See also paragraph 18.1 of the OSCE Moscow 1991 Document which states an obligation "to adopt legislation as the result of an open process reflecting the will of the people."

Every citizen aged 18 years or older on election day is entitled to vote, with a few exceptions that may be regarded as overly-restrictive. The Elections Act continues to restrict the right of prisoners to vote to those serving a sentence of less than two years, although pursuant to a 2002 Supreme Court decision, Elections Canada took steps to ensure that all prisoners could exercise their right to vote.⁷ The CEO and Assistant CEO, Canadian citizens living abroad for more than five years are not allowed to vote.⁸ The FEA established that those under “a court-ordered protective regime, including guardianship, tutorship or curatorship” shall be deleted from the Register of Electors if requested in writing by the authorized representative. This provision may restrict the voting rights of those under court ordered protective regimes, at odds with the authoritative interpretation of the CPRD.⁹

Electoral legislation should be amended to allow for voting rights for electoral officials and to reflect the Supreme Court decision on prisoner voting.

The Elections Act provides for candidate representatives to observe voting and counting with up to two representatives per candidate per polling station. All parliamentary parties stated their intention to deploy representatives on election day, adding to transparency. However, international and citizen observation remains insufficiently provided for in law but left to the discretion of the CEO.¹⁰

In order to provide for the effective implementation of paragraph 8 of the OSCE 1990 Copenhagen Document, consideration should be given to full explicit provisions for election observation by both international and citizen observers in electoral legislation.

B. ELECTORAL SYSTEM AND BOUNDARY DELIMITATION

Members of the House of Commons are elected for four-year terms under a majoritarian system within single-member constituencies (also known as ridings). The EBRA calls for constituencies to be as equal as possible in population, but allows for a deviation between constituencies in each province of up to 25 per cent from the average. A non-partisan independent electoral boundary commission, led by a judge appointed by the chief justice of the province, and comprising two additional members appointed by the Speaker of the House of Commons, is set up in each province to redraw boundaries after each decennial census. The CEO calculates the number of seats each province is entitled to and, on this basis, each commission redraws the electoral boundaries within their province in an open and transparent process with ample opportunity for public comment. There was overall confidence in the process of delimitation.

Following the 2011 census, the number of constituencies, and thus members of parliament, was increased from 308 to 338. After the last reapportionment, constituencies range in population from 26,728 to 132,443, with an average of 99,043. Of the 338 constituencies, 156 deviate more than 10 per cent from the national average, and 91 deviate by more than 15 per cent.¹¹ The law allows for further deviations in certain circumstances, such as to protect aboriginal peoples, to align boundaries with

⁷ This prohibition was determined to be unconstitutional in the Supreme Court decision of *Sauvé v. Canada (Chief Electoral Officer)*, 3 S.C.R. 519 (2002). The CEO has addressed the situation in past elections by exercising his authority under the Elections Act.

⁸ The provisions for voting of Canadian citizens abroad have been challenged in the courts, the first instance court struck down this limitation as a violation of the right to vote enshrined in the Charter of Rights and Freedoms. This decision has been overturned on appeal and is awaiting a final decision from the Supreme Court.

⁹ According to the CRPD Committee’s pronouncements on specific countries and individual cases, it is recommended that all relevant legislation be reviewed to ensure that all persons with disabilities, regardless of their impairment, legal status or place of residence, have the right to vote and participate in public life on an equal basis with others. See, for example [CRPD Committee: Concluding Observation on Spain, 23 September 2011](#).

¹⁰ The OSCE/ODIHR EAM received authorization to observe the elections from the CEO, and were able to access all stages of the process, including polling stations on election day.

¹¹ The largest deviation is in Labrador at 73 per cent.

historical divisions, or to maintain a manageable size in sparsely populated areas. Other constitutional provisions could also undermine equality of the vote. In particular, the “grandfather clause”, which guarantees provinces no fewer seats in House of Commons than the number they had in 1985 and the “senate clause”, which guarantees each province no fewer seats than the number of seats they have in the Senate. In order to provide for equality of the vote, good international practice refers to not exceeding 10 per cent difference in population between electoral districts nationwide, with a maximum of 15 per cent in “really exceptional circumstances”.¹²

Consideration should be given to revising the legal framework to better provide for upholding the principle of equality of the vote.

V. ELECTION ADMINISTRATION

The elections were administered at three levels: the CEO who heads Elections Canada, 338 Returning Officers (ROs) – one in each constituency, and one Deputy Returning Officer (DRO) and Poll Clerk (PC) in each of the approximately 73,000 polling stations in the country. The CEO is appointed by a resolution of the House of Commons for a 10-year non-renewable term.¹³ All OSCE/ODIHR EAM interlocutors expressed trust and confidence in the election administration’s professional performance, impartiality and transparency.¹⁴

Elections Canada is an independent body with a mandate to administer and oversee federal elections. It is tasked with maintenance of the National Register of Electors, dissemination of voter information, financial and administrative support to the Independent Election Boundaries Commissions, oversight of campaign finance, training and support of the ROs and polling staff. Elections Canada made notable efforts to maximize enfranchisement, to work with full integrity, to consult with parties, and to provide extensive public information on the election process. Elections Canada website is regularly updated, comprehensive and user-friendly.

At the constituency level, elections were managed by ROs who are appointed by the CEO for 10-year terms. ROs established polling locations, recruited polling staff and validated constituency results. Additionally, some 33 Field Liaison Officers (FLOs) were appointed for these elections to provide support to the ROs, and to serve as intermediaries between ROs and the office of the CEO. In line with a previous OSCE/ODIHR recommendation, responsibilities of FLOs have been clarified in the law.

Elections Canada hired around 285,000 election workers on election day. By law polling station staff are composed of DROs and PCs selected by the respective RO, who also have authority to appoint any additional staff necessary for the conduct of the vote. The parties that finished first and second in the last parliamentary elections in that constituency have priority to nominate poll workers no later than 24 days before election day. If the parties fail to nominate sufficient numbers, ROs can recruit DROs and PCs from other sources. In recent elections, political parties have shown little interest in

¹² Paragraph 7.3 of the OSCE Copenhagen Document states that “The participating States will...guarantee universal and equal suffrage to adult citizens”, see also Article 25 of the ICCPR. Code of Good Practice in Electoral Matters of the Venice Commission sec. 2.2 states that “seats must be evenly distributed between the constituencies”.

¹³ The 10-year limit was introduced in the FEA, but does not apply to the current CEO who was appointed to serve until the age of 65 under the Elections Act before it was amended by the FEA.

¹⁴ Elections Canada is exemplary in its activities between elections. These include comprehensive review of past elections, research on current practices and potential improvements, reporting to parliament, and making recommendations for legal reforms. There is also rigorous examination of political finance submissions. Elections Canada works in collaboration and consultation with parties and various civil society groups.

submitting poll worker candidates and ROs have faced difficulties in recruiting additional staff in the limited time available. This is burdensome on the election administration, not least in having to organize many training activities for the various later recruits.

The Elections Act could be revised to give more time to ROs to recruit polling staff from sources other than political parties.

The Elections Act provides voters with multiple opportunities to vote, including at polling stations on election day; in person at any of the 486 Elections Canada offices across the country during the entire election period, or on one of the four days of advance voting, as well as by mail from within or outside the country. Elections Canada made extensive efforts to implement the various voting methods available. In addition, they implemented a pilot project giving students and other voters the opportunity to register and vote at 39 university and college campuses, 13 aboriginal Friendship Centres and a few community centres between 5 and 8 October.¹⁵ Provisions for voting were made for voters serving in the Canadian Forces and those in penitentiary institutions.¹⁶

Following the adoption of the FEA, the CEO is now restricted to communicating about “how to vote”, without referring to “why to vote”, which is an unusual limitation of a standard election administration competency. Most OSCE/ODIHR EAM interlocutors expressed concerns about provisions of the FEA that removed the power of the CEO to implement public education and information programmes aimed at persons and groups who are most likely to experience difficulties in exercising their voting rights. Elections Canada nevertheless carried out a comprehensive voter information campaign through an extensive multimedia communication programme. In line with a previous OSCE/ODIHR recommendation, Elections Canada undertook extensive measures to facilitate the participation of voters from minority and aboriginal groups, including by having the most important election materials available in 43 languages and making efforts to engage poll workers from minority communities.

Elections Canada has made resolute efforts to provide for the equal access for voters with disabilities. Approximately 28,000 potential polling locations across the country were evaluated against 35 accessibility criteria developed in collaboration with disability groups. This information was made public allowing citizens to request in advance services they may require in order to vote.

VI. VOTER REGISTRATION AND IDENTIFICATION

The Permanent National Register of Electors, which is continuously maintained by Elections Canada, had 25,638,379 registrants for these elections, from a total population of 35,851,774.¹⁷ The register is updated regularly using federal, provincial and territorial data sources.¹⁸ The data received is confirmed and verified by Elections Canada and then each person is asked for his/her permission to be included on the voter list. Voters are given maximum opportunities to register and update their data at any time, including online, by mail, in person at RO offices and on election day. To register on election day, voters must confirm their identity and residency. No concerns were expressed about the accuracy of the voter lists. However, there were a few cases where voter information cards, sent by Elections Canada to each voter, contained incorrect information about polling station addresses or names. Elections Canada responded promptly, urging voters to contact their local Elections Canada office for the necessary corrections.

¹⁵ Elections Canada officials reported that approximately 72,000 people registered and voted in these locations.

¹⁶ All these people vote with a special ballot by mail or in person at ROs' offices.

¹⁷ Based on the data from Statistics Canada as of July 2015.

¹⁸ Canada Revenue Agency, Department of National Defence, Citizenship and Immigration Canada, provincial and territorial drivers licence agencies, provincial and territorial statistic agencies, provincial and territorial electoral agencies.

To vote, citizens are required to confirm their identity and residence.¹⁹ The FEA replaced the process of vouching for identity and the residence with a more burdensome procedure for confirmation of address. Vouching to the identity of another voter is no longer possible.²⁰

The Conservative Party stated that the changes were necessary to protect the integrity of the electoral process.²¹ However, other political parties and civil society organizations expressed concerns about the stricter identification and residency requirements complicating the voting process, thus risking disenfranchisement and delays. It was also pointed out by various OSCE/ODIHR EAM interlocutors that such a restrictive response is disproportionate to the risk of fraud and could be particularly detrimental to certain categories of voters, thereby suppressing the vote rather than contributing to electoral integrity.

VII. CANDIDATE REGISTRATION

Citizens who are entitled to vote can stand for elections, except those convicted for a corrupt or illegal practice, including electoral fraud, or who previously failed to submit campaign finance reports. Candidates can be nominated by political parties or run independently in one constituency. Candidate nominations were submitted to the corresponding RO at least 21 days before election day. Potential candidates must submit signature lists of at least 100 voters from their constituency (50 in sparsely populated constituencies) and make a deposit of CAD 1,000.²² The deposit is returned to candidates when their campaign finance report is submitted.

Twenty three political parties were registered for these elections, nominating 1,792 candidates for the 338 constituencies. Seventeen candidates withdrew, or their political parties retracted their support. Candidates that withdrew after the close of the candidate nomination period, 28 September 2015, continued to have their names on the ballot.

VIII. THE ELECTION CAMPAIGN

The official campaign began on 2 August 2015 and lasted for 78 days, the longest in more than 140 years.²³ The prime minister stated that the campaign was launched early so that political parties “are all operating within the rules”. Many OSCE/ODIHR EAM interlocutors referred to the disproportional benefit gained by the Conservative Party with their greater access to funds. Election advertising on election day is prohibited.²⁴

¹⁹ Article 143(2) of the Elections Act requires that voters present a government-issued ID with a photo, name and current address, or “two pieces of identification authorised by the CEO, each of which establish the elector’s name and at least one of which establishes the elector’s address.” The CEO prescribed more than 40 documents as valid to register and to vote. In case of postal voting, a voter confirms his/her identity and residence by providing a written statement.

²⁰ Vouching has not been extensively used. For example, in 2011 there were approximately 120,000 cases.

²¹ This was in part in response to research conducted on the voting process. In particular the Neufeld Report, commissioned by Elections Canada, which identified compliance shortcomings with election day procedures. The CEO published Elections Canada’s response about how to address issues identified. Mr. Neufeld has emphasized that such compliance shortcomings were not evidence of fraud but administrative problems.

²² EUR 1 is approximately CAD 1.46 (Canadian Dollar).

²³ Since 1996, the minimum official campaign length is 36 days with no maximum duration specified. Since then, three campaigns lasted 36 days, two - 37 days, and one - 55 days.

²⁴ Advertising placed on the Internet before the silence period may be kept up, provided that it is not changed during this period.

The campaign was vibrant and highly competitive. The Conservative Party, the NDP, and the Liberal Party had candidates in each of the 338 constituencies, and the Green Party ran candidates in all but two. Bloc *Québécois* had candidates in the province of Quebec only. In the last month the campaign became increasingly antagonistic and more negative in tone.

The campaign was conducted with the respect for the fundamental freedoms of expression, association and assembly. However, various civil society organizations reported being *de facto* restricted from raising policy issues during the campaign for fear of being categorized as “partisan”, and therefore at risk of losing their charitable status.²⁵

Campaigning consisted mainly of media advertisements, door-to-door and telephone canvassing, rallies and social media. The parties mobilized thousands of activists and volunteers for telephone calls and large-scale rallies. In addition to paid media advertisements, political parties may get free airtime on both private and public television and radio. The leaders of the three largest federal parties had a significant number of followers in social media and each published over a dozen messages per day in both French and English on their accounts.

Traditionally, two national televised debates between the leaders, one in English and one in French, have been organized by a consortium of national media broadcasters.²⁶ In May 2015, the Conservative Party announced that it would not participate in the usual nation-wide debates. Instead, Prime Minister Harper would attend up to five independent debates. After negotiations, five televised debates were agreed upon among the three largest parties. The Green Party and Bloc *Québécois* were only invited by the organizers to two of the debates, of which the Green Party publicly complained. The TV debate formats and criteria for selection of participants remain unclear despite previous OSCE/ODIHR recommendation, which, if implemented, could enhance the diversity of electoral messages.

The economy, government spending, national security, unemployment, and the Trans-Pacific Partnership trade agreement dominated the campaign. Call for change after ten years of a Conservative government was the main message of the Liberal Party and the NDP. The use of negative advertisements was widespread and, at times included harsh personal attacks. Both the Liberal Party and NDP committed to electoral reforms stating that they would reverse many of the changes introduced by the FEA in 2014. Towards the end of the campaign, the right of Muslim women to wear a *niqab* became an unexpected prominent election issue.

IX. CAMPAIGN FINANCE

Campaign finance is well regulated by the detailed provisions in the Elections Act, which were amended by the 2014 FEA. A formula was introduced that increased spending limits according to the length of the campaign, which had a significant impact given that the 2015 campaign was twice as long as the 2011 one.²⁷ The 2015 campaign was widely considered to be the most expensive in Canadian history.

The increased campaign expenditures also raised the election costs paid for by the state, as parties receive significant public funding for campaigning. Parties that win at least 2 per cent of the national total vote or at least 5 per cent of the number of valid votes cast in the electoral districts in which they

²⁵ This follows apparent increased tensions between the federal government and some civil society organisations. In February 2015, Oxfam, Greenpeace, Amnesty International and Ecojustice amongst others signed a letter against the federal government's targeting of charitable organizations through audits.

²⁶ The consortium included CBC/Radio Canada, CTV, Global and Télé-Québec.

²⁷ The spending limit set for each major political party was CAD 54.9 million (approx. EUR 37.5 million) compared to CAD 21 million (approx. EUR 14.3 million) in 2011.

endorsed a candidate receive reimbursement of 50 per cent of their national campaign expenses. In addition, parties candidates are reimbursed 60 per cent of all campaign expenses they incurred by in each constituency where they obtained at least 10 per cent of the votes, plus all of allowable “personal expenses” as specified in the Elections Act.

An individual can contribute annually CAD 1,500 in total to a political party, as well as CAD 1,500 in total to the registered local associations, candidates and nomination contestants of a party. Candidates themselves are allowed to spend up to CAD 5,000 in the form of contributions, loans or loan guarantees. No person or entity other than an individual who is a Canadian citizen or is a permanent resident can make a contribution. Parties and candidates can take a bank loan to cover their campaign expenses, with disclosure only required after the election is over. Loans and loan guarantees by individuals are considered campaign contributions and are subject to the limit of CAD 1,500.

Advertising expenditures by third parties are also regulated by the Elections Act.²⁸ All third parties must register with Elections Canada if they incur more than CAD 500 of election advertising expenses.²⁹ For these elections, ninety six third parties were registered, more than in any previous election.

Penalties for violations of campaign finance rules include fines, imprisonment and, possible deregistration of a political party and liquidation of assets. Several campaign finance cases have been prosecuted through the courts and fines and imprisonment have been imposed.³⁰

Political parties, local party associations, candidates, and third parties must submit financial reports to Elections Canada within four to six months after election day. The financial reports are published in an online database.³¹ There is no requirement for interim reporting during the campaign period.³²

Consideration could be given to reviewing campaign finance reporting arrangements to assess possibilities for establishing public pre-election reporting, in order to improve transparency and accountability.

X. PARTICIPATION OF WOMEN

Canada ratified CEDAW in 1981. However, despite early enactment of protections from gender discrimination, progress on women’s representation in parliament has been described by OSCE/ODIHR EAM interlocutors as slow.³³ Ongoing shortcomings in women’s political representation resulted in the 2008 CEDAW Committee Concluding Observations calling on Canada

²⁸ According to the Elections Act, individuals, corporations, or groups working independently of candidates, parties, or local associations all are considered to be third parties.

²⁹ The Elections Act states that third party spending is limited to CAD 439,410 in total (CAD 8,788 per electoral constituency). This amount increased compared with the 2011 limits of CAD 188,250 in total (CAD 3,765 per constituency).

³⁰ In 2015, a member of parliament (MP) was sentenced to one month in prison for exceeding spending limits, failing to report a personal contribution of CAD 21,000 to his campaign, and submitting a falsified document related to the 2008 general elections. In 2013, another MP resigned because of irregularities in his 2011 elections campaign funding reports.

³¹ Elections Canada, “Financial Reports Database”: <http://www.elections.ca/WPAPPS/WPF>.

³² This is not in line with good international practice. See Paragraph 199 of the Venice Commission and OSCE/ODIHR Guidelines on Political Party Regulation.

³³ Women were granted the right to vote and be elected in 1921.

to take measures to accelerate the increase in women's representation in elected and appointed bodies.³⁴

In these elections, 88 women were elected (26 per cent), thus increasing the proportion of women in the parliament by one per cent.³⁵ The winning Liberal Party nominated the most women with 50 female elected MPs, 42 of whom are new to parliament.

Three of the five main political parties increased their proportion of female candidates: 43 per cent of NDP candidates,³⁶ 39 per cent of Green Party candidates, and 31 per cent of Liberal Party candidates were female. However, both the Bloc *Québécois* and Conservative Party dropped to 28 and 20 per cent female candidates respectively. Out of the total 338 constituencies, 53 did not have any female candidates from the 5 major political parties, as compared to only 2 constituencies with no male candidate.³⁷ For the first time though, the national campaign directors of all three main parties were women.

The parties vary widely in their policies on promoting women's participation. The Liberal Party has a national women's commission, training and a fund for supporting new female candidates; the NDP has a federal women's council and a fund to support women's participation; and the Green Party has a policy of 50 per cent female representation, and a female leader. The Conservative Party's approach is gender neutral with no policies or structures to support increased women's participation. The OSCE/ODIHR EAM interlocutors reported that a prohibitive factor for greater women's participation in these elections was a lack of access for women to financial resources needed for nomination contests within parties.

All the main political parties addressed gender issues in their party platforms. However, with the exception of childcare, other issues of particular concern to women (including violence against women, parental leave, pay equity and economic security) were largely absent from the campaign, compared to, *inter alia*, the "niqab issue" towards the end of the campaign. A planned live debate on women's issues was cancelled when it was announced that the leader of the Conservative Party would not participate, which then prompted the NDP to also withdraw.³⁸

Gender disaggregated data is generally available. However, there was no sex-disaggregated list of candidates produced by Elections Canada prior to election day. Such information is available on the parliament's website and in Elections Canada's post-election reports.

Women are well represented among the different levels of Elections Canada staff. Forty two per cent of management positions and 41 per cent of professional posts are held by women. For these elections, 44 per cent of ROs and 57 per cent of FLOs were women. The gender breakdown of polling staff was not available.

³⁴ CEDAW/C/CAN/CO/7, 7 November 2008.

³⁵ This is, however, still below the 30 per cent target put forward by the United Nations' Economic and Social Council (ECOSOC). It is estimated that 13 female MPs are from ethnic, religious or sexual minority backgrounds. There are three aboriginal women, four Muslim women, and a lesbian woman.

³⁶ This is a historic high for any federal party in Canada.

³⁷ According to civil society organization "Equal Voice", there were 72 constituencies with two or more women candidates.

³⁸ This was to be the first debate dedicated to women's issues during a federal election in 30 years. Instead of the debate, all of the five main party leaders, except for the Conservative Party, agreed to comment in advance on various women's issues and their videotaped responses were then aired and discussed by a panel of women leaders. The event was broadcast live on the Internet.

Elections Canada has been proactive in undertaking gender based research and providing additional services for women at risk of marginalisation, for example in setting up advance polling stations at women's shelters. Elections Canada partnered with a number of civil society groups, including for aboriginal women, low-income women, and females from minority and immigrant communities. Many civil society groups expressed concern regarding the CEO's restricted authority under the FEA to inform voters about the importance of voting, thus putting more burden on the communities themselves.

A review could be undertaken of possible appropriate measures that could be introduced to further increase the political participation of women. This could include financial incentives to parties to encourage women's representation both as candidates and within internal party structures.

XI. PARTICIPATION OF ABORIGINAL PEOPLES AND MINORITY GROUPS

More than 200 ethnic origins were reported in the 2011 National Household Survey. Domestic law refers to indigenous peoples as aboriginal peoples, defined in the Constitution as the "Indian, Inuit and Métis peoples of Canada."³⁹ "Indians" often self-identify as First Nations. The law defines "visible minorities" as persons "other than aboriginal peoples, who are non-Caucasian in race or non-white in colour."⁴⁰ Aboriginal peoples constitute 4.3 per cent of the population, while the "visible minority" population accounts for 19.1 per cent.⁴¹

First Nations have a unique relationship with the state. This is reflected in a series of treaties undertaken with the British Crown and subsequently with the Government of Canada, constitutional jurisprudence and the Indian Act. The Indian Act is the framework through which the government regulates and administrates the affairs and matters of concern to the First Nations, including conferring official status to individuals. The right of members of First Nations to vote in federal elections was recognized only in 1960; before that, the First Nations status and treaty rights had to be given up to be allowed to vote. This historical disenfranchisement and exercise of the right to choose whether to participate in political life, have contributed to an electoral turnout among the First Nations that has traditionally been significantly lower than the country's average.

While reliable disaggregated data is unavailable, it appears that the proportion of MPs from aboriginal and minority communities elected in 2015 grew substantially to an estimated 16.8 per cent from approximately 10 per cent in the outgoing parliament.⁴² It has been reported that 10 aboriginal MPs have been elected, out of 54 candidates, which is the highest number of aboriginal candidates ever recorded. While the increase is notable, and aboriginal representation in the parliament exceeded 3 per cent, this representation nevertheless remains lower than the 23.4 per cent share of the aboriginal and "visible minority" community in the total population. Currently, the legislation includes no provisions to ensure minority representation.

Aboriginal peoples and minority groups reported that they had not been sufficiently consulted on the changes to the electoral legislation, even though the changes were likely to disproportionately impact

³⁹ There are 634 First Nation (Indian) communities across Canada. The Inuit traditionally reside in Inuit Nunangat in the north, which comprises the regions of Nunatsiavut, Nunavik, Nunavut and Inuvialuit. The Métis, a distinct group originating from the intermarriage of First Nations and European fur traders, now live largely in urban centres.

⁴⁰ Employment Equity Act. The UN Committee on Elimination of Racial Discrimination (CERD) has repeatedly expressed concern that the term "visible minorities" is contrary to the aims and objectives of the Convention.

⁴¹ See Statistics Canada: [Aboriginal Peoples in Canada: First Nations People, Metis and Inuit](#)

⁴² See the Globe and Mail: <http://www.theglobeandmail.com/news/politics/record-number-of-visible-minority-mps-elected-to-commons/article26892245/>.

them, in particular in regard to restrictions on verification of identity and residency on election day and motivational voter education campaigns.⁴³ Members of aboriginal communities are highly mobile and homes on reserves frequently do not have civic addresses, which can make it difficult to prove residency. Also, poverty rates among aboriginal peoples are significantly higher than the average, in particular on reserves, which hinders the ability to afford documents. Lack of consultation is not consistent with international state obligations to consult minorities and aboriginal peoples on issues that concern them.⁴⁴

Previously the CEO was authorized to implement voter education and information programmes “to make the electoral process better known” that were particularly helpful in reaching out to disadvantaged groups most likely to experience difficulties in exercising their democratic rights. Under the 2014 amendments, the CEO’s authority is limited to education on how to participate in the election, with no reference to disadvantaged persons or groups.⁴⁵ The authority of the CEO to encourage participation in aboriginal communities is especially important given their significantly lower turnout.⁴⁶

Consideration should be given to reinstating Elections Canada’s authority to undertake activities to encourage voter participation, especially amongst aboriginal and minority groups.

In what is seen as increasing recognition of the importance of aboriginal participation, the Assembly of First Nations leadership publicly urged members of their nations to vote. All major political parties had candidates who are members of minority and aboriginal communities, in numbers higher than in previous years, including in constituencies with a reasonable chance of winning. The degree to which minority and aboriginal issues have been integrated into political platforms has varied, however. Some OSCE/ODIHR EAM interlocutors, in particular from aboriginal communities, felt that insufficient attention was paid to crucial issues, such as access to potable water on reserves, health care, construction of essential service roads and implementation of the recommendations of the Truth and Reconciliation Commission of Canada.⁴⁷

Many interlocutors expressed concern about heightened societal division following the heated rhetoric over the *niqab*-issue during the latter stage of the campaign, in relation to the use of the *niqab* during citizenship ceremonies.

XII. COMPLAINTS AND APPEALS AND ELECTORAL OFFENCES

Elections Canada developed a comprehensive system for managing complaints about the election administration that do not rise to the level of violation of the Elections Act. The complaint system has multiple entry points and systematic recording that enables the organisation to respond promptly, to learn about issues arising and to adjust practices accordingly. Elections Canada also monitored social media to proactively respond to issues arising during election preparations.

⁴³ Various OSCE/ODIHR EAM interlocutors noted that such ID restrictions and reduced motivational work by Elections Canada would be advantageous to the ruling Conservative party, given that marginalized voters were regarded as more likely to vote for other parties.

⁴⁴ OSCE 1990 Copenhagen Document Paragraph 33; United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (UNDM) Article 2.3; United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) Article 19.

⁴⁵ See Parliament of Canada website: <http://www.parl.gc.ca/Content/LOP/LegislativeSummaries/41/2/c23-e.pdf>.

⁴⁶ In 2011, 44.8 per cent of eligible voters on First Nations reserves cast their ballot, compared to 61.1 per cent nationally; Data is not available to date for the 2015 election.

⁴⁷ The Truth and Reconciliation Commission of Canada was established in 2007 with a mandate to investigate and document the treatment of aboriginal children in residential schools.

The Commissioner is tasked with enforcement of the Elections Act. Following the 2014 amendments, the office of the Commissioner was transferred from Elections Canada to the office of the Director of Public Prosecutions (DPP) and the authority to appoint the Commissioner was transferred from the CEO to the DPP. The Commissioner is appointed for a non-renewable seven-year term and is mandated to conduct investigations independently of the DPP. Some political parties and civil society organizations raised concerns that the transfer of the Commissioner to the DPP would affect the actual or perceived independence of the office.

Any citizen may submit a complaint concerning violations of the Elections Act to the Commissioner in person, through the website or by phone. All complaints are reviewed to determine whether there is a basis to conduct an investigation. The Commissioner may also launch an investigation on his/her own initiative. A range of tools are available to the Commissioner to ensure compliance, including issuing caution letters, entering into a voluntary compliance agreement, and court injunctions. Voluntary compliance agreements, which are made public, usually involve an admission of responsibility by the contracting party (the person who contravened the Act). Minor complaints are often resolved through informal communication between the Commissioner's Office and the accused person. If the Commissioner decides that a complaint warrants it, the matter may be referred to the DPP, who reviews the investigation conducted by the Commissioner and decides whether to initiate a prosecution through the courts.

The Commissioner reported receiving over 1,000 complaints during the 2015 election period and resolving some 800 of them prior to election day, without resorting to formal enforcement mechanisms for the vast majority. Complaints referred to issues such as destruction of campaign posters, missing tag-lines on political advertisements and access to apartment buildings by canvassers. In addition, 144 complaints were received on election day. Most of these complaints fell into two categories: no offence under the Elections Act or advertising on election day. In instances where immediate intervention was required, action was taken by the Commissioner's Office to quickly resolve the issue.

All offences under the Elections Act, even minor ones, are classified as criminal and liable to prosecution. If found guilty, a court may impose a fine, imprisonment or both. The FEA increased the level of financial penalties for all offences raising the maximum fine for intentional offences from CAD 5,000 to CAD 50,000, with some intentional campaign finance infringements subject to fines of CAD 100,000. There are no provisions that allow the Commissioner to apply administrative penalties, for example fines, when resolving complaints. This results in delays in the resolution of complaints and limits the ability of the Commissioner to deal with minor offences in an equitable manner. In addition, the Commissioner's lack of authority to compel witnesses, unlike other independent governmental agencies, may potentially further delay the process of resolving complex complaints in a timely manner.

Commissioner of Canada Elections could be granted the right to compel witnesses and to impose administrative penalties as another option to resolve minor violations of the Elections Act with a view to improve the timeliness and effectiveness of investigations.

Any voter or candidate in an electoral constituency may, by application to a competent court, contest the election results in that constituency on the grounds of questionable eligibility to be a candidate; alleged irregularities, fraud, or corrupt or illegal practices that affected the result of the election. Such applications must be submitted within 30 days of the publication of the election results or knowledge of the irregularity, with no time limit specified for adjudication. Appeals may then be lodged with the Supreme Court within eight days, which is obliged to hear such cases without delay. The Supreme Court is the final court of appeal and may review any case where a question of public

importance is involved or if there is an important issue of law. There is no specific mechanism for courts to address issues that arise earlier in the process, for example during candidate nomination, which would allow for swift resolution prior to election day. In general, there are no specified “election period” timeframes for the courts to resolve election cases. Reportedly there are very few legal applications lodged.

Election specific timeframes could be instituted for the courts to resolve election cases, including prior to election day.

XIII. ELECTION DAY

In line with standard OSCE/ODIHR EAM methodology, the mission did not conduct a comprehensive and systematic observation of election day proceedings, however, mission members visited a limited number of polling stations during the four days of advance voting and on election day.

Voter turnout was reported at 68 per cent. Some 3.6 million people voted in advance polling.⁴⁸ At the limited number of polling stations visited by the OSCE/ODIHR EAM voting was generally well organized and took place in a calm environment. During advance voting media reported on the long lines in all parts of the country. Parties, civil society and the media reported high turnouts, complicated voting procedures, and some cases of protracted identification procedures, resulting in inefficiencies in the administration of the elections in some polling stations.⁴⁹

Overall, the OSCE/ODIHR EAM noted that polling officials were generally competent and well prepared and equipped at the polling stations visited. However, on election day, the OSCE/ODIHR EAM noted some difficulties with not all staff fully understanding the identification requirements, cases of late staff arrivals, and polling locations not being sufficiently large to accommodate all the required polling stations. Issues reported by parties and others on election day appeared to have been swiftly responded to by Elections Canada.

Some poll workers complained about working conditions, characterized by long hours without provisions for breaks and replacement. The OSCE/ODIHR EAM interlocutors also referred to voting procedures being complicated especially in relation to verification of identification and residency. In addition, the requirement for use of a serially numbered counterfoil, which is removed after the ballot is marked, was cumbersome, was not always properly implemented and required staff to handle marked ballots, which could potentially compromise the secrecy of the vote

Elections Canada and the parliament could consider reviewing election day procedures to simplify them to the extent possible without compromising the integrity of the process.

After counting, the results from each polling station were transmitted to the relevant RO who then aggregated five polling station results before transmitting them to Elections Canada. Elections Canada immediately posted results on their website and simultaneously shared them electronically with a consortium of Canadian broadcasters and wire services for distribution to news outlets. Detailed results by polling station are published within four months on the Elections Canada website; but are in the meantime available at RO offices. Judicial recounts were conducted in five constituencies, which confirmed the results.

⁴⁸ An increase of 74 per cent from 2011 when approximately 2.1 million people voted.

⁴⁹ Some polling stations ran out of ballot papers as a result of the increase in voter turnout. During advance voting the CEO issued an adaptation of the law to allow for the use of photocopies of ballots as a last resort in those polling stations where insufficient ballot papers would prevent voters from casting the ballot.

XIV. RECOMMENDATIONS

These recommendations, as contained throughout the text, are offered with a view to further enhance the conduct of elections in Canada and to support efforts to bring them fully in line with OSCE commitments and other international obligations and standards for democratic elections. These recommendations should be read in conjunction with past OSCE/ODIHR recommendations that remain to be addressed. The OSCE/ODIHR stands ready to assist the authorities of Canada to further improve the electoral process and to address the recommendations contained in this and previous reports.⁵⁰

A. PRIORITY RECOMMENDATIONS

1. Any process of amendment to electoral legislation should involve robust consultations and include a degree of cross-party agreement. Consultations should include amongst others, representatives of women, aboriginal and minority groups.
2. The Elections Act could be revised to give more time to ROs to recruit polling staff from sources other than political parties.
3. Elections Canada and the parliament could consider reviewing election day procedures to simplify them to the extent possible without compromising the integrity of the process.
4. Commissioner of Canada Elections could be granted the right to compel witnesses and to impose administrative penalties as another option to resolve minor violations of the Elections Act with a view to improve the timeliness and effectiveness of investigations.

B. OTHER RECOMMENDATIONS

LEGISLATIVE FRAMEWORK

5. Electoral legislation should be amended to allow for voting rights for electoral officials and to reflect the Supreme Court decision on prisoner voting.
6. In order to provide for the effective implementation of paragraph 8 of the OSCE 1990 Copenhagen Document, consideration should be given to full explicit provisions for election observation by both international and citizen observers in electoral legislation.
7. Consideration should be given to revising the legal framework to better provide for upholding the principle of equality of the vote.

CAMPAIGN FINANCE

8. Consideration could be given to reviewing campaign finance reporting arrangements to assess possibilities for establishing public pre-election reporting, in order to improve transparency and accountability.

COMPLAINTS AND APPEALS

⁵⁰ In paragraph 24 of the 1999 OSCE Istanbul Document, OSCE participating States committed themselves “to follow up promptly the ODIHR’s election assessment and recommendations.”

9. Election specific timeframes could be instituted for the courts to resolve election cases, including prior to election day.

PARTICIPATION OF WOMEN

10. A review could be undertaken of possible appropriate measures that could be introduced to increase the political participation of women. This could include financial incentives to parties to encourage women's representation both as candidates and within internal party structures, and/or requirements for parties to have policies and provide public information on women within the party.

PARTICIPATION OF INDIGENOUS PEOPLES AND MINORITY GROUPS

11. Consideration should be given to reinstating Elections Canada's authority to undertake activities to encourage voter participation, especially amongst aboriginal and minority groups.

ANNEX I: FINAL RESULTS⁵¹

Canada Parliamentary Election Results				
Party	(Electoral Districts Won)	%of electoral districts	Number of votes	%of Votes
Animal Alliance/Environment Voters	0	0.00%	1,761	0.00%
ATN	0	0.00%	136	0.00%
Bloc Québécois	10	3.00%	818,652	4.70%
Canada Party	0	0.00%	270	0.00%
CAP	0	0.00%	429	0.00%
Christian Heritage Party	0	0.00%	15,284	0.10%
Communist	0	0.00%	4,382	0.00%
Conservative	99	29.30%	5,600,496	31.90%
Democratic Advancement	0	0.00%	1,187	0.00%
Forces et Démocratie - Allier les forces de nos régions	0	0.00%	8,298	0.00%
Green Party	1	0.30%	605,864	3.40%
Independent	0	0.00%	40,879	0.20%
Liberal	184	54.40%	6,930,136	39.50%
Libertarian	0	0.00%	37,407	0.20%
Marxist-Leninist	0	0.00%	9,105	0.00%
NDP-New Democratic Party	44	13.00%	3,461,262	19.70%
No Affiliation	0	0.00%	9,026	0.00%
PACT	0	0.00%	90	0.00%
PC Party	0	0.00%	4,472	0.00%
Pirate	0	0.00%	906	0.00%
Radical Marijuana	0	0.00%	1,626	0.00%
Rhinoceros	0	0.00%	7,349	0.00%
Seniors Party	0	0.00%	158	0.00%
The Bridge	0	0.00%	121	0.00%
United Party	0	0.00%	57	0.00%
Total:	338		17,559,353	

⁵¹ Elections Canada: <http://enr.elections.ca/National.aspx?lang=e>.

ABOUT THE OSCE/ODIHR

The Office for Democratic Institutions and Human Rights (OSCE/ODIHR) is the OSCE's principal institution to assist participating States "to ensure full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote principles of democracy and (...) to build, strengthen and protect democratic institutions, as well as promote tolerance throughout society" (1992 Helsinki Summit Document). This is referred to as the OSCE human dimension. The OSCE/ODIHR, based in Warsaw (Poland) was created as the Office for Free Elections at the 1990 Paris Summit and started operating in May 1991. One year later, the name of the Office was changed to reflect an expanded mandate to include human rights and democratization. Today it employs over 130 staff.

The OSCE/ODIHR is the lead agency in Europe in the field of **election observation**. Every year, it co-ordinates and organizes the deployment of thousands of observers to assess whether elections in the OSCE region are conducted in line with OSCE Commitments, other international obligations and standards for democratic elections and with national legislation. Its unique methodology provides an in-depth insight into the electoral process in its entirety. Through assistance projects, the OSCE/ODIHR helps participating States to improve their electoral framework.

The Office's **democratization** activities include: rule of law, legislative support, democratic governance, migration and freedom of movement, and gender equality. The OSCE/ODIHR implements a number of targeted assistance programs annually, seeking to develop democratic structures.

The OSCE/ODIHR also assists participating States' in fulfilling their obligations to promote and protect **human rights** and fundamental freedoms consistent with OSCE human dimension commitments. This is achieved by working with a variety of partners to foster collaboration, build capacity and provide expertise in thematic areas including human rights in the fight against terrorism, enhancing the human rights protection of trafficked persons, human rights education and training, human rights monitoring and reporting, and women's human rights and security.

Within the field of **tolerance** and **non-discrimination**, the OSCE/ODIHR provides support to the participating States in strengthening their response to hate crimes and incidents of racism, xenophobia, anti-Semitism and other forms of intolerance. The OSCE/ODIHR's activities related to tolerance and non-discrimination are focused on the following areas: legislation; law enforcement training; monitoring, reporting on, and following up on responses to hate-motivated crimes and incidents; as well as educational activities to promote tolerance, respect, and mutual understanding.

The OSCE/ODIHR provides advice to participating States on their policies on **Roma and Sinti**. It promotes capacity-building and networking among Roma and Sinti communities, and encourages the participation of Roma and Sinti representatives in policy-making bodies.

All ODIHR activities are carried out in close co-ordination and co-operation with OSCE participating States, OSCE institutions and field operations, as well as with other international organizations.

More information is available on the ODIHR website (www.osce.org/odihr).