

**Canada and the Rights of Children:**  
Submission for Stakeholder Report on Canada:  
Universal Periodic Review – 4<sup>th</sup> cycle, February 2009  
UN Human Rights Council

Submitted by Canadian Coalition for the Rights of Children

**A. Canada and the Rights of Children – Overview**

A.1. Canada signed and ratified the Convention on the Rights of the Child in 1991, but successive governments have failed to put into place the necessary mechanisms to effectively implement the Convention in Canada.<sup>i</sup> As a result, many Canadian children miss out on essential benefits and protection of their rights as Canadian citizens and residents. At the conclusion of a three-year study of children's rights in Canada in 2007, the Chair of the Senate Human Rights Committee summarized the current situation in Canada this way: "*children's rights are being pushed to the side and even violated in a variety of situations ... The Convention has been effectively marginalized when it comes to its direct impact on children's lives.*"<sup>ii</sup>

A.2. When Canada was elected a member of the UN Human Rights Council, Canada pledged to uphold the highest standards of protection and promotion of human rights. In light of this pledge, the Canadian Coalition for the Rights of Children (CCRC) suggests that the Human Rights Council pay particular attention to Canada's record on the rights of children during its review.

A.3. The CCRC has been engaged in child rights work in Canada for more than 25 years. It provides a national forum for non-governmental organizations and individuals to share information, promote awareness of the rights of children, and monitor implementation of the Convention from the perspective of children in Canada since 1991. Further information about the CCRC is available at [www.rightsofchildren.ca](http://www.rightsofchildren.ca).

A.4. For this report the CCRC will draw primarily on two recent sources:

- A 2007 Report of the Senate Human Rights Committee on children's rights in Canada, entitled "*Children: The Silenced Citizens; Effective Implementation of Canada's International Obligations with Respect to the Rights of Children*". This report resulted from a three-year study with witnesses from across Canada, including children.<sup>iii</sup>
- A 2007 CCRC review of progress made on the Concluding Observations from Canada's Second Review under the Convention on the Rights of the Child in 2003 and actions needed before the Third/Fourth Report in 2009.<sup>iv</sup> Attached is a one-page overview.

A.5. The CCRC would like to highlight the following areas for consideration by members of the Human Rights Council in its review of Canada:

- Basic mechanisms for implementation of the Convention on the Rights of the Child
- Public accountability for children's rights in Canada
- Follow-up on Concluding Observations from UN Committee on the Rights of the Child
- Specific areas for immediate attention:
  - End discrimination, with particular attention to vulnerable groups
  - Reduce the gap in life chances between Aboriginal and non-Aboriginal children
  - Equitable access to health care and early childhood care
  - Reduce child poverty, homelessness, and children living on the street

- Prohibit all forms of violence against children and develop a national prevention strategy

## **B. Basic Mechanisms for Implementation of the Convention on the Rights of the Child**

B.1. Canada has not established the basic mechanisms for implementation that are included in the Convention itself, recommended by the UN Committee on the Rights of the Child, and used to considerable effect by many other governments. The result of the failure to establish such mechanisms is summarized by the Senate Human Rights Committee: *“The Committee’s investigations have firmly led us to the conclusion that the Convention on the Rights of the Child is not solidly embedded in Canadian law, in policy, or in the national psyche.”*<sup>v</sup>

**B. 2. Recommendation:** The CCRC recommends four practical steps that Canada could take to remedy this situation, with substantive benefits for children across Canada:

1. Pass legislation that clearly makes children’s rights part of Canadian law. Repeated recommendations to this effect from the UN Committee on the Rights of the Child have been ignored, as has the Senate Report. The government’s response to the Senate Report lists many programs for children, but it does not provide any evidence to show that current legislation adequately protects the rights of children, nor does it respond to any of the recommendations for improvement.<sup>vi</sup>
2. Establish a national Children’s Commissioner to monitor implementation of the Convention, investigate complaints, and facilitate participation by children. This mechanism, which is successful in other countries, has been recommended in Canada by the CCRC and other civil society groups for several years. A national commissioner would help to co-ordinate the work being done by provincial children’s advocates and eliminate gaps in service between federal and provincial governments that are widely recognized as a major barrier to the equitable protection and provision of children’s rights in Canada.
3. Regular monitoring and reporting on the status of children in Canada.
4. Child impact assessments of budgets, proposed legislation, and programs at both federal and provincial orders of government.

## **C. Public Accountability and Participation**

C.1. Inadequate public engagement in the implementation of children’s rights in Canada is demonstrated by the following evidence:

- Lack of systematic education results in polls and surveys that continue to show that only a small percentage of young people in Canada are aware of their rights and how they can exercise them.<sup>vii</sup> The level of awareness and application among child-serving professionals is similarly very low. Lack of systematic commitment to participation of young people in decision-making processes results in sporadic efforts, mostly volunteer and without funding, and therefore inadequate.
- Government reports on the rights of children, in spite of UN Committee requests to be more analytical and focused, continue to suffer from a lack of accurate and comprehensive data on the status of children in Canada. Reports for UN bodies, such as Canada’s report for the World Fit for Children +5 process and the current preparation of Canada’s Third/Fourth Report for the UN Committee on the Rights of the Child, are developed without any or with minimal consultation, even when it is explicitly requested. A CCRC letter addressing the World Fit for Children +5 reporting process identifies gaps that resulted from the lack of consultation.<sup>viii</sup> More recently, the Government response to the Senate report on the rights of children failed to provide any new evidence about the

- status of children in Canada to support its contention that the committee's recommendations do not merit responsive action.
- Committees of government officials, federal and federal-provincial, responsible for implementation of the Convention, hold few meetings, conduct them in camera, and provide no public reporting. Requests for information on follow-up to reviews and for meetings with officials are routinely denied. In response to the Senate report, another inter-departmental committee was established with the same secrecy, lack of public consultation and lack of public reporting. While federal-provincial jurisdictional issues are repeatedly cited as the explanation for the failure to fulfill children's rights in Canada, as well as other human rights, there has been no federal-provincial ministerial level meeting on human rights in two decades, reflecting the low priority given to implementation of international human rights standards.

**C.2 Recommendation:** To improve public participation and accountability, the CCRC suggests:

- Regular public reporting of data and analysis of the actual situation of children in Canada and the status of their rights, using the Convention as a framework, including reports that can be understood by young people themselves.
- Establishment of a procedure for complaints and investigations, with public reporting of the results.
- Regular reports to parliament on Canada's implementation of international human rights treaties and response to concluding observations, with review by parliamentary committee, including public consultations.

#### **D. Response to Concluding Observations from UN Committee on the Rights of the Child**

D.1. In 2009, Canada will present its third/fourth report, but little has been done to respond to the recommendations of the second review, many of which were repeats from the first review. Furthermore, Canada's first report on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC) was due in October 2007, but has not yet been submitted. Canada's first report on the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (OPAC) was submitted, but there has been little follow up to the concluding observations. The government is supporting production of a youth-friendly version of the protocol. There have been no efforts to address or remove any reservations Canada has placed on these instruments.

Follow-up to Concluding Observations from the UN Committee for the Rights of the Child is managed by a federal-provincial committee of officials without any public engagement, in spite of specific recommendations for public reporting and dialogue. The CCRC has explicitly asked for public response before the next report so children who are affected and the organizations that work with children can be informed of the results of the review process, and provide more meaningful input to the next review. This request has been denied. The CCRC proposes that more rather than less consultation and transparency is needed in a federal state like Canada, where children's rights often fall between the cracks of federal and provincial jurisdictions and where the civil sector is integral to research, programming and services for children.

**D.2. Recommendation:** The CCRC proposes a continuous learning approach to monitoring that would include public response by the Government to the Concluding Observations within a year after receipt, and on-going dialogue with stakeholders between official reports.

## **E. Specific child rights issues for immediate attention**

### **E.1. End discrimination, with particular attention to vulnerable groups**

Canadian children are entitled to receive equitable treatment, regardless of birthplace, race, gender, or other factors. Preventing discrimination is clearly within the mandate of the federal government. In spite of six Concluding Observations regarding discrimination in Canada's second review under the Convention, and confirmation of discrimination in the Senate report, there is no evidence of action being taken to investigate and end inequitable treatment. In 2008, Canada's Auditor General confirmed research studies showing that funding for First Nations child and family services is inequitable compared to funding for non-Aboriginal children.<sup>ix</sup> Children with disabilities, immigrant and refugee children, and children living in rural areas are other groups vulnerable to marginalization through inequitable treatment.

**E.1.a. Recommendation:** The CCRC proposes that the federal government take a leadership role to prevent all forms of discrimination through clear standards, public monitoring and discussion of evidence of discrimination, and mandating a national Children's Commissioner to investigate and remedy complaints of discrimination.

### **E.2. Reduce the gap in life chances between aboriginal and non-aboriginal children**

The 2007 Senate report on children's rights provided 11 specific recommendations to address identified gaps in services and violations of the rights of Aboriginal children.<sup>x</sup> The government response to the report addressed only one recommendation specifically; for the rest, it catalogued existing programs, which the Senate report found inadequate, and did not propose any new actions.<sup>xi</sup> While Canada has apologized for the historic injustice of residential schools, there is little evidence of significant action to address current injustices, in spite of repeated evidence from government, academic, and NGO reports about the urgent situation of Aboriginal children in Canada.

**E.2.a. Recommendation:** The CCRC continues to advocate immediate implementation of the 11 recommendations relating to Aboriginal children in the Senate Report.

### **E.3. Equitable access to health care and early childhood care**

In general, compared to other countries, most of Canada's children have a high standard of health care, as a result of the basic principles in Canada's Health Act. The infant mortality rate, however, has stagnated for many years and is in decline. At the heart of this trend is the lack of outreach to marginalized populations. Furthermore, children with disabilities, special needs, and mental health needs, have repeatedly been identified as needing attention in order to meet the provisions of the Convention.<sup>xii</sup>

The situation with regard to early childhood care is more serious, with evidence of large disparities between provinces and family income groups in both availability and affordability of childcare and education and other support services for families with young children.<sup>xiii</sup>

**E.3.a. Recommendation:** The CCRC recommends that a plan for improved health care for children with special needs be developed, by a specific date and with measurable targets, and that the federal government take the lead in developing a coordinated approach to the establishment of measurable standards, guidelines and funding for child care, with a deadline for a public report and regular public monitoring of progress toward measurable targets.

#### **E.4. Reduce child poverty, homelessness, and children living on the street**

When Canada co-chaired the World Summit for Children in 1989, parliament passed a resolution to end child poverty by the year 2000, but successive governments failed to put into place a strategic plan to achieve the goal. The 2007 Report Card on Child Poverty, prepared by a national coalition of NGOs, reported that 11.7% of children, 788,000 children, live in poverty.<sup>xiv</sup>

While children are a growing factor among the homeless population and there are children living on the streets in Canada's major cities, government reports on the state of children in Canada fail to measure and address this situation.

The Senate report recommended the development of a federal strategy to combat child poverty with clear goals and timetables, include a housing strategy and preventive measures targeted to high-risk families.

**E.4 a. Recommendation:** The CCRC joins a wide network of NGOs in Canada, under the umbrella of Make Poverty History, in calling for Canada to develop a National Poverty Reduction Strategy with clear goals and timelines, including specific measures to address the various factors that contribute to child poverty in Canada and preventive strategies for homelessness and street children.

#### **E.5. Prohibit all violence against children and develop a national prevention strategy**

Evidence gathered for the UN Secretary-General's Study on Violence against Children showed that more young people in Canada are victims of violence than they are perpetrators. While additional measures are currently proposed to punish young perpetrators of crimes, little has been done to improve protection for the right of children to live free from violence against them in Canada, as a way of implementing the recommendations of the UN violence study. Furthermore, the proposed new measures depart from international standards for juvenile justice. The federal government has announced plans to implement a national child injury prevention strategy; adding inflicted injury to the scope of the strategy is a reasonable step.

**E.5.a. Recommendation:** The CCRC recommends that Canada prohibit all forms of violence against children, including corporal punishment by repealing Section 43 of the Criminal Code, and that Canada include inflicted injury to the plans for a national strategy to prevent injury to children, as two steps toward implementation of the UN violence study.

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<sup>i</sup> Standing Senate Committee on Human Rights, *Children: The Silenced Citizens: Effective Implementation of Canada's International Obligations with Respect to the Rights of Children* Executive Summary of Final Report, April, 2007, xiii. Available at [www.senate-senat.ca/rights-droits.asp](http://www.senate-senat.ca/rights-droits.asp).

<sup>ii</sup> Andreychuk, Senator Raynell, "Chair's Forward," in *Children: The Silenced Citizens; Effective Implementation of Canada's International Obligations with Respect to the Rights of Children*. Final Report of the Standing Senate Committee on Human Rights, April 2007, ix.

<sup>iii</sup> Standing Senate Committee on Human Rights, *Children: the Silenced Citizens: Effective Implementation of Canada's International Obligations with Respect to the Rights of Children*. April 2007, 193. Available at [www.senate-senat.ca/rights-droits.asp](http://www.senate-senat.ca/rights-droits.asp).

<sup>iv</sup> Canadian Coalition for the Rights of Children, *Canada and the Rights of Children: 2003 Review of Canada's Record*. Series of factsheets available at [www.rightsofchildren.ca](http://www.rightsofchildren.ca).

<sup>v</sup> Standing Senate Committee on Human Rights, *Children: The Silenced Citizens*, 193.

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- <sup>vi</sup> *Government Response to Standing Senate Committee on Human Rights Report: Children: The Silenced Citizens*, November 15, 2007. Available at [www.senate-senat.ca/rights-droits.asp](http://www.senate-senat.ca/rights-droits.asp).
- <sup>vii</sup> Katherine Covell, "Children's Rights Education: Canada's Best Kept Secret," in *Children's Rights In Canada: A Question of Commitment*, ed. R. Brian Howe and Katherine Covell, 241-259.
- <sup>viii</sup> Canadian Coalition for the Rights of Children, Letter to UN Secretary General and UNICEF regarding Canada's submission to the World Fit for Children +5 Review Process, October 15, 2007. Available from CCRC.
- <sup>ix</sup> Auditor General of Canada, *May 2008 Report to Parliament*, Chapter 4: First Nations Children and Family Services Program – Indian and Northern Affairs Canada. Available at [www.oag-bvg.gc.ca](http://www.oag-bvg.gc.ca).
- <sup>x</sup> Standing Senate Committee on Human Rights, *Children: The Silenced Citizens*. See Chapter 16 on Aboriginal Children, 169-190.
- <sup>xi</sup> *Government Response to Standing Senate Committee on Human Rights Report: Children: The Silenced Citizens*, November 15, 2007, 23-24.
- <sup>xii</sup> Standing Senate Committee on Human Rights, *Children: The Silenced Citizens*, 154-158.
- <sup>xiii</sup> Standing Senate Committee on Human Rights, *Children: The Silenced Citizens*, 140-146.
- <sup>xiv</sup> This is the same percentage as in 1989. Campaign 2000, *2007 Report Card on Child and Family Poverty*, released November 26, 2007. Available at [www.campaign2000.ca](http://www.campaign2000.ca).