

Country session: Canada

Date of session: 17th and 18th of May (90th session)

Context

The review was delayed due to the Covid-19 pandemic, which disrupted the normal planning of the CRC Sessions.

The State delegation participated remotely in the dialogue with the Committee. Therefore, the dialogue lasted 4 hours, instead of 6 hours as for the in-person reviews.

Background information

[OHCHR press release](#)

Webcast: [first part](#) and [second part](#)

Audio file: [first part](#) and [second part](#)

Reporting

Reporting methodology

Standard reporting procedure

Simplified reporting procedure

Concluding Observations with urgent measures

State report

Common core document	
Initial submission	12.01.1998
Updated document	28.01.2019
Annexes	
- Annex 1	
- Annex 2	
- Annex 3	

CRC		OPAC		OPSC	
No. of report	Fifth and sixth report	No. of report		No. of report	
Due date	18.05.2018	Due date		Due date	
Submission	28.01.2019	Submission		Submission	

Written replies	
Due date	15.06.2022
Submission	04.04.2022

Additional comments:

While drafting the report, the State delegation consulted with some civil society organizations and indigenous groups. In addition, over 500 children were consulted for this report.

Public reports from children's rights defenders

Alternative reports and additional information

Written inputs

NGOs

- [A Way Home Canada, Canadian Observatory on Homelessness and Making the Shift Inc](#)
- [Action Canada for Sexual Health & Rights and Sexual Rights Initiative](#)
- [Action Canada for Sexual Health & Rights and Sexual Rights Initiative](#)
- [Deborah W. Parkes](#)
- [Josie Guo](#)
- [Marvin M. Bernstein, Peter Dudding, Joan E. Durrant, Ron Ensom](#)
- [Marvin M. Bernstein, Peter Dudding, Joan E. Durrant, Ron Ensom](#)
- [A Way Home Canada and the Making the Shift Youth Homelessness Social Innovation Lab](#)
- [Action Canada for sexual health and rights and Sexual Rights Initiative](#)
- [Amnesty International](#)
- [Canada Without Poverty, Campaign 2000 and Citizens for Public Justice](#)
- [Canadian Bar Association](#)
- [Canadian Centre on Statelessness and Canadian Citizens Rights Council](#)
- [Canadian Coalition for the Rights of Children](#)
- [Canadian Friends Service Committee \(Quakers\)](#)
- [Children First Canada](#)
- [Children First Canada](#)
- [Colour of Poverty - Colour of Change](#)
- [Global Initiative to End All Corporal Punishment of Children](#)
- [Human Rights Watch](#)
- [Justice for Girls, David Suzuki Foundation, FAFIA, Greenpeace, Just Planet](#)
- [Juvenile Justice International](#)
- [National Association of Friendship Centres](#)
- [National Secular Society](#)
- [Native Women's Association of Canada \(NWAC\)](#)
- [Participation and Knowledge Translation in Childhood Disability lab](#)
- [Save the Children Canada](#)
- [Society for Children and Youth of BC](#)
- [StopIGM.org / Zwischengeschlecht.org](#)
- [The eQuality Project](#)
- [Violence Against Children Lobby Group, Justice for Canadian Children](#)

	<ul style="list-style-type: none"> • Canadian Bar Association - Child and Youth Law Section • Canadian Coalition for the Rights of Children • Centre for Health Science and Law (CHSL) • Centre for Research-Action on Race Relations • Children First Canada • Conscience and Peace Tax international • Else Marie Knudsen • Hopitaux universitaires Geneve (Olivia Heller, Mathieu Demont, David Beran) • Human Rights Watch • Irwin Elman • Justice for Girls • Kristin Snoddon • National Secular Society • Native Women’s Association of Canada • NRHN and WNHHN • Participation and Knowledge Translation in Childhood Disabilities Lab • South Asian Legal Clinic of Ontario, Black Legal Action Centre, and Colour of Poverty - Colour of Change • StopIGM.org • The Elizabeth Fry Society of Greater Vancouver (EFry)
NHRIs	<ul style="list-style-type: none"> • Canadian Human Rights Commission • New Brunswick Office of the Child and Youth Advocate • Canadian Council of Child and Youth Advocates (CCCYA) • Canadian Council of Child and Youth Advocates (CCCYA) • Canadian Council of Child and Youth Advocates (CCCYA) • Canadian Friends Service Committee (Quakers) • Canadian Human Rights Commission

State delegation

The [State delegation](#) was very large and included high-level Ministers covering a broad range of sectors such as justice, indigenous services, public safety, and statistics. In addition, there were even some representatives of the subnational levels to the fact that Canada is a federal State.

Committee’s Task Force members

Name & Last Name	Country
Ann Skelton (coordinator)	South Africa
Hynd Ayoubi-Idrissi	Morocco
Bragi Gudbrandsson	Iceland
Faith Marshall-Harris	Barbados

Dialogue description

- Character of the dialogue

The dialogue between the Committee and the State delegation was very focused and interactive. The State delegation intended to answer as many questions as possible in a detailed manner. For the questions related to the differences in implementation of the CRC in the various Canadian provinces, the state delegation replied that provincial jurisdictions are responsible for this.

- General assessment made by the Committee

The Committee stated that concerning the budget, the State is very wealthy and does invest a lot in children's and women's empowerment. However, there is still a big problem of poverty among children in Canada. This particularly affects migrants, racialized groups and indigenous people. In addition, the Committee asked what the State has done to amend this situation and if they have contemplated to have a gender-sensitive budget.

- Main issues discussed

Civil rights and freedoms

- **Birth registration** : The Committee mentioned that there is a high number of children without their first birth registrations and that this phenomenon is more prevalent in Northern Ontario, where mostly indigenous people live. Hence, the Committee asked if this is a historic problem, and which steps the State has taken to tackle this issue. In addition, the Committee asked if indigenous persons can reclaim their indigenous names and if it applies across all provinces. The State replied that this issue falls under the jurisdiction of provinces and territories and that the federal State is raising awareness on the importance of birth registrations within indigenous communities. Also, concerning the issue of reclaiming names, the State is implementing the change in identification documents, social insurance numbers, passports and certificate of Indian status.

Violence against children

- **Corporal punishment** : The Committee asked questions about the authorization of use of force to correct a pupil or a child by the section 43 of the Criminal Code. In addition, many child rights advocates have actively called on for revision of this provision. The Committee asked why the State does not prohibit all forms of violence against children. The State replied that section 43 of the Criminal Code was declared as constitutional and that guidelines were provided to narrow to use reasonable corrective force, which is minor and transitory in nature. In addition, the State stressed that corporal punishment is not allowed in schools and that the government is promoting non-physical punishments.
- **Sexual exploitation and abuse** : The Committee asked why child victims of sexual exploitation and abuse need to go to court to testify for cross-examinations and why the children cannot go to children and youth advocacy centers to avoid revictimization. The Committee highlighted that the courts seem to be a hostile environment for children, mentioning metal detectors and physical pat

downs. In addition, children need to wait for months and years to get a response and during that time the child is not allowed to discuss the experience with anyone. The State replied that all permanent court facilities have soft rooms which were outfitted for child victims, and they are also escorted separately. In addition, children are assisted by victim services, victim witness coordinators and sometimes even special trauma dogs. Also, children's video testimony is the norm and not the exception in all matters involving children.

General measures of implementation

- **Data collection** : The Committee raised a question on data collection, which is especially relevant for adverse childhood experiences. The Committee said that national data is not regularly collected and asked which measures the government has taken to address this while guaranteeing the principle of non-discrimination and identification of the groups of children most at risk. The State recognized the need for robust and disaggregated data for the well-being of children in Canada and stated that through data collection action plan, the State is investing in collecting data on diverse populations and that progress has been and continues to be made on the well-being and maltreatment of all children.

Basic health and welfare

- **Standard of living**: The Committee stated that the right to housing is enshrined in law in Canada and asked questions related to the national housing strategy. This included questions such as if the act has been revised, which are the target groups and are children and especially indigenous children among them. Also, the Committee was concerned that this act rather targets middle income families than families living in poverty. The Committee stated that the best interests of children should be considered in cases of eviction. The State replied that a national housing strategy was introduced in 2019 in order to realize the right of every citizen to adequate and affordable housing and that this strategy is constantly evolving to address housing gaps. In addition, they said that this strategy reflects the human rights principles, non-discrimination, inclusivity, transparency and accountability. The strategy targets women and children in particular and the State said that meeting the housing needs of indigenous communities is also a priority of the national strategy.

Recommendations of the Committee

In its Concluding Observations, the Committee drew the State party's attention to the need for urgent measures concerning the following areas:

- Independent monitoring
- Non-discrimination
- The right to life, survival and development
- Abuse and neglect
- Children deprived of a family environment
- Standard of living



- Independent monitoring : The Committee urges the State to establish an independent monitoring mechanism at the federal level to monitor and investigate children's rights and their implementation and to receive complaints from children. In addition, this monitoring mechanism should produce reports on the children's rights for the public.

General principles

- Non-discrimination : The Committee demands the state address the discrimination experienced by vulnerable and marginalized children, predominantly indigenous, African-Canadian, children with disabilities and migrant children. These children should get equal access to services
- Right to life, survival and development : The Committee urges the State to reinforce methods and measures to bring justice to families whose children had disappeared, survived or been murdered within the context of the residential schools in Canada. Most importantly, indigenous children from North-western Ontario should be guaranteed health care, which can treat mercury poisoning, and remediation to address the mercury health crisis.

Violence against children

- Abuse and neglect : The Committee calls for Canada to formulate and implement a national strategy addressing the issue of violence against children and its prevention. Also, the Committee asked to implement the recommendations given by the UN Special Rapporteur on violence against women and in particular for the sake of indigenous girls. Moreover, the Committee encourages developing awareness-raising campaigns, education and community-based programmes on child abuse and neglect with a child-sensitive approach. Finally, the continuation of implementation of the 94 calls to action of the Truth and Reconciliation Commission addressing the violence suffered by indigenous children in residential schools is mentioned.

Family environment and alternative care

- Children deprived of a family environment : The Committee demands the State to provide adequate assistance and implement measures to circumvent removing children from their family environment. In addition, care within institutions should be adequately evaluated by capable professionals and involve children and families in the decision-making process. Safeguarding measures should reflect the best interests of the child. In addition, alternative sentences within communities should be reinforced for incarcerated mothers of children.

Basic health and welfare

- Standard of living : The Committee asked the State to conduct consultations with indigenous communities to seek sustainable solutions concerning water and sanitation. In addition, the State should address the problem of poverty by providing financial resources, free services to all children and families without any discrimination. Also, the laws concerning evictions within the provinces should be revised to reflect the best interests of the child. Child poverty among vulnerable groups

such as indigenous, Africa-Canadian and other ethnic minorities should be reduced with the help of annual targets.

The Committee drew the State party's attention to the recommendations concerning the following areas:

- General measures of implementation : reservations and declarations, legislation, comprehensive policy and strategy, coordination, allocation of resources, data collection, dissemination, awareness-raising and training, international cooperation, children's rights and the business sector
- General principles : best interests of the child, respect for the views of the child
- Civil rights and freedoms : birth registration and nationality, preservation of identity
- Violence against children : corporal punishment, sexual exploitation and abuse, harmful practices
- Family environment and alternative care : family environment
- Children with disabilities
- Basic health and welfare : health and health services, mental health, adolescent health
- Education, leisure and cultural activities : education, including vocational training and guidance, human rights education
- Special protection measures : asylum-seeking, refugee and migrant children, economic exploitation, including child labour, sale, trafficking and abduction of children, administration of child justice

Sustainable Development Goals

The Committee recommended the realization of children's rights in accordance with the Convention and the Optional Protocols thereto throughout the process of implementing the 2030 Agenda for Sustainable Development and urged the State to ensure the meaningful participation of children in achieving all 17 Sustainable Development Goals.

Throughout its Concluding Observations, the Committee referred to the following targets:

- 16.5 to allocate a budget which in line with the needs of children.
- 17.2 to prioritize on children's rights within international cooperation agreements and development assistance.
- 5.1 and 10.3 to reduce inequalities experienced by girls, ethnic minorities, migrant children and children with disabilities.
- 16.9 to ensure that every child receives a birth certificate and prevent statelessness.



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- 5.2, 16.1 and 16.2 to prevent abuse, neglect and sexual exploitation of children and punish adequately the perpetrators.
- 2.2, 3.1, 3.2 and 3.8 to prevent malnutrition, guarantee a good level of health and ensure access to health services to all children without any discrimination and by addressing the structural inequalities.
- 3.4 to provide mental health services and allocate adequate resources to it. Especially, to provide mental health services to children in vulnerable situations.
- 3.5, 3.3, 3.7 and 5.6 to reinforce and improve the education, knowledge and services for sexual and reproductive health and support pregnant girls.
- 3.9 and 13.3 to raise awareness about the impact of climate change on health and to take action to tackle this problem.
- 1.1, 1.2 and 1.3 to provide financial support and services to indigenous communities and to eliminate child poverty especially among indigenous, African-Canadian and other minorities.
- 4.1, 4.6, 4.a, 4.b and 4.c to provide free, compulsory and quality education to all and remove hidden costs and to collect disaggregated data to address and measure systemic racism.
- 4.7 to guarantee human rights education to children within the compulsory school curriculum and develop materials for this education.
- 8.7 to ensure that children do not work in dangerous circumstances, collect data on child labour and to develop an effective monitoring mechanism.

Next State report

CRC	
No. of report	Seventh and eighth
Due date	11.01.2027

Disclaimer: Child Rights Connect reports are all drafted in English. If the State report and/or the alternative reports were submitted in another UN language (Spanish, French, Arabic, Russian or Chinese) the report will be translated accordingly.