



Universal Periodic Review of Canada

March 29, 2023

Submission by the Canadian Coalition for the Rights of Children

Who we are:

The Canadian Coalition for the Rights of Children (CCRC) is a national umbrella group of organizations and individuals committed to the full implementation of the Convention on the Rights of the Child in Canada and globally. The CCRC has led the civil society role in each of the four reviews of Canada under the Convention on the Rights of the Child. Between reviews the CCRC continues to pursue full implementation through public awareness and public policy changes that incorporate children's rights.

Submission

1. In this submission, you will find some of the issues CCRC highlighted in the 5th/6th UN Review of Canada under the Committee on the Rights of the Child, which occurred in May 2022. Our role in the lead-up to the Review was to coordinate and support civil society reports, engage in a pre-meeting with the Committee, coordinate and lead the youth engagement with government for the Review and respond to the List of Issues and the Review itself. You can find our full report [here](#). The government of Canada received Concluding Observations in June 2022, including some urgent ones, which we highlight in this report.
2. The CCRC urges the government of Canada to take concrete actions to address the many ways that children's rights continue to be neglected, especially where Indigenous and racialized children, children in poverty, and children with disabilities are concerned. Furthermore, the CCRC calls on Canada to announce, as a leader on Ending Violence Against Children, that it will take action on corporal punishment as a show of good faith to implement all the recommendations.
3. Canada has a duty to implement the UN *Convention on the Rights of the Child* (CRC), hailed as one of the most important international human rights instruments that Canada has ratified in the last thirty years. Canada has failed to live up to its international obligations to children due to the lack of coherent and comprehensive policy framework in place, and the omission of children's rights from proposed legislation and policy documents that come before cabinets and legislatures. Government departments, including child protective services, human rights commissions and school boards, often

neglect to integrate children's rights in their services and programs, resulting in uneven and deficient protection of children at many levels.

4. The main message from the UN Committee to Canada is that there is work to do. Canada received some urgent recommendations that align with general good human rights practices, including access to an effective complain mechanism and equitable access to services.
5. The Committee specifically noted that it wanted to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: independent monitoring (para. 13), non-discrimination (para. 18), the right to life, survival and development (para. 21), abuse and neglect (para. 27), children deprived of a family environment (para. 32) and standard of living (para. 39). They also noted that Canada should develop and implement a national strategy for the prevention of all forms of violence against all children, and allocate the necessary resources to this strategy and ensure that there is a monitoring mechanism.
6. These recommendations are in line with previous UPR recommendations to Canada. The Government of Canada accepted many of the recommendations from the 3rd Cycle of the UPR in 2018, in full, in part or in principle. However, as their response stated, the accepted recommendations were related to actions the government believes it is already implementing. There were few new actions or commitments, despite evidence of lapses in the protection of Canada's children and clear opportunities to improve their well-being.
7. Canada cannot continue to legitimately claim that the current systems for protecting children's rights are adequate. In order to align themselves with the Concluding Observations from the 5th/6th Review, as well as previous UPR's, there is serious work to do. Significant gaps and system failures, with grave consequences for children, have been documented in the years since the last UPR including the following:
 - the Canadian Human Rights Tribunal ruling on "willful and reckless" discrimination against Indigenous children in child welfare and health care, which continues to be unresolved;
 - evidence of systemic causes of over-representation of racial minority groups in child welfare, criminal justice systems, and school drop-out rates, that would be addressed if children's rights were taken seriously;
 - the findings in the report of the National Inquiry into Missing and Murdered Indigenous Women and Girls, which explicitly calls for improved implementation of the Convention on the Rights of the Child;
 - several provincial court rulings such as the Sixties Scoop cases; systemic findings in reports on specific cases, such as the Tina Fontaine case; and more gaps in provincial monitoring and advocacy, such as the closure of the Ontario Office of the Children's Advocate; and
 - the low rank of Canada on many indicators of child well-being, in annual UNICEF reports on progress for children in comparable countries.

8. Recommendations:

- Commit to using CRIA for all federal legislation and programs that affect children, and encourage provinces to use them, especially for areas of joint jurisdiction.
- Stronger mandate for the Interdepartmental Working Group on Children's Rights to ensure implementation across federal departments. Create an independent Commissioner's office for monitoring. Create federal and provincial strategies for the implementation of the CRC in Canada.
- Set up a national and comprehensive data collection system and to analyze the data collected as a basis for consistently assessing progress achieved in the realization of children's rights, and to help design policies and programmes to strengthen the implementation of the Convention.
- Ensure that digital privacy laws are updated to reflect the realities of young people today, including a focus on both privacy and protection for children as they use the internet in their daily lives.
- Repeal section 43 of the criminal code to ensure that corporal punishment is eliminated in Canada.

9. The CCRC made a submission about the response to the last UPR which stated that the CRC review would be next opportunity to illustrate leadership on human rights. Canada promised that the CRC review would be first example of doing better on follow-up to recommendations and civil society engagement. Canada had a chance to show progress in review, however, the Concluding Observations from the 5th/6th Child Rights Review show that little progress has been made.

10. Overall, the fact that Canada falls below comparable countries on many indicators of child well-being in annual UNICEF reports; and has failed to implement recommendations from previous reviews in such basic areas as informing children of their rights, transparency in reporting, and equitable access to public services. If children's rights were monitored and reported as required under the Convention on the Rights of the Child, the situation of Indigenous children and other gaps would have been identified much earlier and could have been addressed. The costs of failing to pay attention to children's rights are high, for the children involved, but also for governments. Conversely, improving implementation of children's rights would make Canadian federalism work better for children, their caregivers, and both federal and provincial governments.

11. Thank you for giving this your consideration. We would be happy to provide more detailed analysis and engage in further discussion about the potential for improving the status quo.