



## **Lessons from the Third/Fourth Review of Children's Rights in Canada**

Submission for Second Universal Periodic Review of Canada  
UN Human Rights Council, 16<sup>th</sup> Session, April-May, 2013

Submission by the Canadian Coalition for the Rights of Children

### **I. Introduction**

I.1. During its first Universal Periodic Review (UPR), the government of Canada accepted a number of recommendations to improve the implementation, monitoring, and reporting of its obligations under international human rights agreements. The subsequent third/fourth review of implementation of the Convention on the Rights of the Child provided an excellent opportunity to demonstrate improvements.

I.2. The Canadian Coalition for the Rights of Children (CCRC) took a pro-active, transparent, and consultative approach to the process. Our analysis of this experience provides the basis for recommendations on how Canada implements its human rights obligations and on substantive issues relating to children's rights in Canada. Documentation for the following points is contained in recent submissions to the UN Committee on the Rights of the Child, available at (<http://www2.ohchr.org/english/bodies/crc/crcs61.htm>)

### **II. Consultation with Civil Society in the Monitoring and Reporting Process**

II.1. At the beginning of the third review of children's rights, civil society organizations were invited to identify their priority issues in written submissions. At the very end of the process, a few, selected non-governmental organizations were invited to again name their priority issues in a 1 and ½ hour briefing session for government officials.

II.2. There was no analysis of the issues, no information on follow-up to previous recommendations, as requested several times by the NGOs, and no space for discussion of possible solutions to the issues identified at the very beginning of the process. There was no consultation with children throughout the reporting process. NGOs focused on children's rights are being treated as adversaries instead of respected actors in the process, as provided in the Convention itself.

II.3. There has not been substantive improvement in the reporting process, in spite of the first UPR commitments and recommendations for improving the process from both House of Commons and Senate Standing Committees on Human Rights.

**II.4. Recommendation:** The CCRC recommends that Canada acknowledge that the current system is structurally inadequate and practically ineffective, as a first step. The next step is substantive reform to bring Canada's international human rights obligations into the domestic governing systems through mechanisms that meet the following criteria: integrity, transparency, public accountability to parliament, public reporting that is accessible and understandable by the persons whose rights are affected, coordination in the measurement of outcomes and impacts for rights holders between the various levels of government; and open dialogue with civil society organizations, including those engaged in the promotion of human rights.

### **III. Quality of Data and Government Transparency in Reporting**

III.1. The government's third report on implementation of the Convention on the Rights of the Child was a year late; it provided limited data and no analysis of the real-life situation of children in the country. Missing was important data on vulnerable groups of children, which was specifically requested in the concluding observations of the second review.

III.2. The list of issues from the UN Committee on the Rights of the Child asked for additional information in many areas of vital importance for children. The government's response was submitted three months late, less than a week before the hearing; it repeated lists of programs for children, but little information on outcomes or data on children in Canada. It did not answer the committee's questions, including such basic information as the number of children in alternative care in Canada. Some of the answers were misleading in that they provided partial information about current laws and policies, but left out important elements that have major impacts for children in Canada.

III.3. Missing and incomplete data and lack of transparency in the reporting process limit its usefulness for effective monitoring of children's rights in Canada.

**III.4 Recommendation:** The CCRC recommends that Canada engage a multi-stakeholder group to develop a system of data-gathering and analysis that would be transparent and allow all stakeholders to evaluate progress in the realization of human rights in Canada.

### **IV. Role of parliament in the implementation and reporting process**

IV.1. In spite of UPR commitments and recommendations by House of Commons and Senate Human Rights committees, there was no reporting to parliament or engagement of parliamentary committees in the process. Requests by the CCRC to have the third report and the list of issues discussed by parliamentary committees were denied.

**IV.2. Recommendation:** The CCRC recommends that parliament adopt legislation that requires systematic implementation of Canada's international human rights obligations and take an active role in monitoring progress through regular reporting and discussion in parliamentary committees.

## **V. General Measures for Implementing Children's Rights**

V.1. Canada lacks the basic tools for implementing children's rights, many of which have proven effective in other countries. The Convention has not been incorporated into Canadian law. There is no focal point for children at the national level or national Ombudsperson for children. The process for determining compliance of proposed laws with Canada's obligations under the Convention is deeply flawed, accompanied by a refusal to disclose publicly what the process is. The primary body for coordination of implementation by the various levels of government, the Continuing Committee of Officials on Human Rights, is limited to collecting and submitting information. It distributes but does not monitor follow-up to recommendations from treaty bodies. It meets infrequently in secret. The only public reporting is posting official reports to treaty bodies on a government website, that is not easily accessible to citizens unless they are thoroughly familiar with human rights and search for the reports.

V.2. Since the first UPR review, legislation that directly contravenes specific provisions in the Convention on the Rights of the Child has been adopted, e.g. amendments to the Youth Criminal Justice Act in Bill C-10, and changes in the Immigration and Refugee Act in Bill C-31. In addition, a small human rights education program, which provided some funds for small projects to inform children of their rights, has been eliminated.

### **V.3. The CCRC recommends that Canada be urged to:**

- 1. Make the Convention on the Rights of the Child part of Canadian law and allow up to ten years to bring all federal, provincial, and territorial laws into compliance with it.**
- 2. Replace the Continuing Committee of Official on Human Rights with a body that has a mandate to effectively monitor and report to the public regularly on implementation of Canada's human rights obligations and actions taken to implement recommendations from the UPR and other treaty bodies.**
- 3. Implement a rigorous Child Rights Impact Assessment of all proposed laws and policies that affect children to ensure full compliance with the Convention.**
- 4. Establish a national Ombudsperson for Children, to work with provincial Children's Advocates, to ensure that the best interests of children are given top priority in all policies and programs that affect children.**

## **VI. Respect for and fulfillment of all the rights of children**

VI.1. The Concluding Observations from the Third Review, which were released on October 8, 2012, recommend significant changes in Canada's laws, policies, and programs for children.

VI.2. The challenge will be implementation, given that the recommendations from the second review were largely ignored. Early and full public disclosure of the government's

response to the recommendations would facilitate more effective engagement by children and civil society organizations in their implementation.

**VI.3. Recommendation: The CCRC recommends that Canada respond publicly to the Concluding Observations within one year, with an action plan on the recommendations that will be implemented and reasons for not implementing recommendations it rejects. A parliamentary committee should regularly review progress in implementation and improvements in the situation of children in Canada.**

## **VII. Equitable Treatment through Special Attention for Vulnerable Children**

VII.1. The Concluding Observations repeatedly recommend special attention for more vulnerable children. These include: children in alternative care; children with disabilities; indigenous children; children involved in the immigration and refugee system; children in ethnic minority groups; and children in remote, rural locations.

VII.2. Equitable treatment for all children in Canada requires special attention for vulnerable groups, in the context of federal, provincial, and territorial jurisdiction over different policies that affect the lives of children. Multiple jurisdictions for policies that affect children too often allow vulnerable children to fall between the cracks of fragmented support systems.

**VII.3. Recommendation: The CCRC recommends that equitable treatment for all children be given high priority in the second UPR review of Canada, with special attention for vulnerable groups of children.**

## **VIII. Preventing Violence Against Children**

VIII.1. In the first UPR review, Canada accepted recommendations to take action to prevent violence against women and children, with a particular focus on indigenous women and children. Since the UPR, however, many of the programs that contributed to prevention of violence against children have been cut or funding is significantly reduced.

VIII.2. Based on examination of this matter by the UN Committee on the Rights of the Children, the Concluding Observations of the Third Review include a number of recommendations that would help to prevent violence against children. Other treaty bodies have made similar recommendations since the first UPR review.

**VIII.3. Recommendation: The CCRC recommends that Canada provide a clear and comprehensive national strategy to prevent all forms of violence against children, including responses to the recommendations of various UN treaty bodies, before its second UPR review.**

## **IX. National strategy to reduce child poverty**

IX.1. During the first UPR review, Canada rejected recommendations for a national strategy for poverty reduction on the basis that it was not necessary. The UN Committee on the Rights of the Child reviewed this matter during its dialogue with Canada and concluded that national action is necessary to address the depth of child poverty and growing inequity that leaves children in poor households without a good start to develop their full potential.

**IX.2. Recommendation: That Canada reconsider its rejection of the recommendation for a national strategy for poverty reduction, in light of the evidence that national action is needed to reduce child poverty, as one part of a national strategy.**

## **X. Conclusion**

For the Third/Fourth Review, the CCRC provided evidence to show that developing the full potential of every child is also in the best economic and social interests of Canada, especially in the context of its aging population. The 2011 CCRC report, titled *Right in Principle, Right in Practice*, recommended practical actions to provide good governance for Canada's children. (Available at [www.rightsofchildren.ca](http://www.rightsofchildren.ca)) Clear and consistent national leadership to meet Canada's obligations under the Convention on the Rights of the Child would benefit children and all Canadians.

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