



THE CANADIAN  
BAR ASSOCIATION  
Alberta Branch

Amanda Lindberg  
*President*  
Kyle Kawanami  
*Treasurer*  
Robert D.L. Bassett  
*Secretary*  
Bianca Kratt, K.C.  
*Past President*  
Maureen Armitage  
*Executive Director*

Hon. Premier Danielle Smith  
Legislature Building, 10800-97 Ave.  
Edmonton AB T5K 2B6

Hon. Mickey Amery  
Minister of Justice  
Legislature Building, 10800 – 97 Ave  
Edmonton, AB T5K 2B6

Hon. Searle Turton  
Minister of Children and Family Services  
Legislature Building, 10800 – 97 Ave  
Edmonton, AB T5K 2B6

Via Email: [premier@gov.ab.ca](mailto:premier@gov.ab.ca); [ministryofjustice@gov.ab.ca](mailto:ministryofjustice@gov.ab.ca); [cs.minister@gov.ab.ca](mailto:cs.minister@gov.ab.ca)

August 2, 2023

Dear Premier and Ministers:

Re: UN Convention on the Rights of the Child (UNCRC)

We write on behalf of the Alberta Branch of the Canadian Bar Association (CBA Alberta) – Child and Youth Law Sections to enjoin the Government of Alberta to create a detailed Action Plan to effectively implement the many obligations of the state under the UN Convention on the Rights of the Child (UNCRC). Further, the United Nations Committee on the Rights of the Child (UN Committee), which reviews the progress of all countries in implementing the UNCRC, has provided “Concluding Observations” which, if followed, serve as a road map that could prove transformational in improving the lives of all Alberta children. We urge you to review the Concluding Observations of the UN Committee and use them in creating and tabling a detailed Government Action Plan by the next World Children’s Day, November 20, 2023.

CBA Alberta, a branch of the Canadian Bar Association (CBA), represents over 5,000 lawyers, judges, notaries, law teachers and law students from across the province. With CBA National and all other provincial CBA Branches, CBA Alberta works to promote fair justice systems and facilitate effective law reform, and is devoted to eliminating discrimination.

In June 2022 the UN Committee provided, to all Canadian governments, its Concluding Observations on Canada’s Fifth and Sixth Reports on the implementation of the UNCRC in Canada (attached). These Concluding Observations of the UN Committee were prepared after the Committee carefully examined government reports and evidence submitted by other experts including the CBA and Canadian civil society organizations who work with and advocate for children across the country. The Concluding Observations expressed serious criticisms of the failure of governments to more fully implement the UNCRC, and gave

detailed and general recommendations for areas demanding significant improvement, including recommendations that it described as needing urgent measures by Federal, Provincial and Territorial governments.

The UN Committee expressed concerns about the lack of a national strategy in Canada for fully realizing the UNCRC. However, many of the Concluding Observations are matters within provincial jurisdiction. Given the indivisible and interdependent nature of children's rights under the UNCRC, all government actors whose decisions impact children have a duty to implement and respect the totality of the UNCRC. This includes the Government of Alberta, which is obligated to show leadership in the areas in which it can effect change, and to work in partnership with the federal government and other provinces and territories.

In terms of matters within Alberta's jurisdiction, the UN Committee recommended that the Province work with the federal government to ensure Indigenous communities in Alberta receive the resources they need to support children's health and well-being. Other matters specifically under provincial jurisdiction that require attention include ensuring the education, health care, child protection, community services and justice systems support and empower all children, including Black and Indigenous children, children from minority communities, children in care, and children with disabilities. The UN Committee also called on Canadian governments to fully implement the Calls to Action made by the Truth and Reconciliation Commission and the National Inquiry into Missing and Murdered Indigenous Women and Girls. Other general measures recommended by the UN Committee include the implementation of Child Rights Impact Assessments (a process currently implemented in New Brunswick), support for a complaint mechanism under the UNCRC (the Third Optional Protocol), that provincial governments engage in awareness raising and provide mandatory training on the rights of the child under the Convention to all professionals working with and for children, including government officials, judicial authorities and professionals who work with children in health and social services, and improve data collection about the status and needs of children within the province.

Canadian governments have had since June 2022 to consider the recommendations of the UN Committee. The CBA's governing Council at its February 2023 meeting passed a resolution asking the federal government to follow the roadmap that these recommendations provide. CBA Alberta and in particular its Child and Youth Law Sections, are extending this invitation to the Alberta government, as a significant duty-bearer under the UNCRC.

CBA Alberta in particular, the Child and Youth Law Sections, would welcome an opportunity to meet with you to discuss how we can help achieve these goals. We look forward to hearing from you soon.

Sincerely,  
CANADIAN BAR ASSOCIATION  
ALBERTA Branch

A handwritten signature in black ink, appearing to read 'A. Lindberg', with a horizontal line extending to the right.

Amanda Lindberg, President

cc. Hon. Dan Williams – Minister of Mental Health and Addiction

Hon. Demetrios Nicolaides – Minister of Education  
Hon. Tanya Fir – Minister of Arts, Culture and Women  
Hon. Rick Wilson – Minister of Indigenous Relations  
Hon. Muhammad Yaseen – Minister of Immigration & Multi-Culturalism  
Hon. Jason Nixon – Minister of Seniors, Community and Social Services  
Hon. Adriana LaGrange – Minister of Health  
Hon. Rachel Notley - Leader of the Official Opposition  
Lizette Tejada – Anti-Racism, Diversity & 2SLGBTQ+ Critic  
Amanda Chapman – Services to Children with Disabilities, Families and Communities Committee Member  
Hon. Irfan Sabir – Justice, Public Safety & Emergency Services Critic  
Janis Irwin – Housing Critic  
Diana Batten – Child Care, Child and Family Services Critic  
Janet Eremenko - Mental Health & Addictions Critic  
Brooks Arcand-Paul – Indigenous Relations & Reconciliation Critic  
Julia Hayter – Status of Women Critic  
Rakhi Pancholi – Education Critic  
Sharif Haji – Immigration & Accreditation Critic  
Marie Renaud – Community Services, Francophone Issues Critic  
David Shepherd – Health, Primary & Rural Critic  
Tamra Thomson, CBA Director of Advocacy

Encl:



# Convention on the Rights of the Child

Distr.: General  
23 June 2022

Original: English

## Committee on the Rights of the Child

### Concluding observations on the combined fifth and sixth periodic reports of Canada\*

#### I. Introduction

1. The Committee considered the combined fifth and sixth periodic reports of Canada<sup>1</sup> at its 2604th and 2606th meetings, held virtually on 17 and 18 May 2022,<sup>2</sup> and adopted the present concluding observations at its 2630th meeting, held on 3 June 2022.

2. The Committee welcomes the submission of the combined fifth and sixth periodic reports of the State party and the written replies to the list of issues,<sup>3</sup> which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses its appreciation for the constructive dialogue held virtually with the high-level and multisectoral delegation of the State party.

#### II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the progress achieved by the State party in various areas, including housing and homelessness, enhanced engagement with adolescents and raising awareness of mental health issues. The Committee also welcomes the legislative, institutional and policy measures taken by the State party to implement the Convention, including the amendments to the federal Divorce Act, in 2021, to consider the best interests of the child, the release of its final report and calls to action by the Truth and Reconciliation Commission, in 2015, and the coming into force of the Act respecting First Nations, Inuit and Métis children, young people and families, in 2020.

#### III. Main areas of concern and recommendations

4. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like 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).

\* Adopted by the Committee at its ninetieth session (3 May–3 June 2022).

<sup>1</sup> [CRC/C/CAN/5-6](#).

<sup>2</sup> See [CRC/C/SR.2604](#) and [CRC/C/SR.2606](#).

<sup>3</sup> [CRC/C/CAN/RQ/5-6](#).



5. The Committee recommends that the State party ensure the realization of children's rights in accordance with the Convention and the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography, throughout the process of implementing the 2030 Agenda for Sustainable Development. It urges the State party to ensure the meaningful participation of children in the design and implementation of policies and programmes aimed at achieving all 17 Sustainable Development Goals as far as they concern children.

## **A. General measures of implementation (arts. 4, 42 and 44 (6))**

### **Reservations and declarations**

6. The Committee, in line with its previous recommendations<sup>4</sup> and in the light of paragraph 5 of the Vienna Declaration and Programme of Action, urges the State party to consider withdrawing its remaining reservations to articles 21 and 37 (c) of the Convention.

### **Legislation**

7. While welcoming the incorporation of the Convention into many subnational jurisdictions legislative preambles, the Committee reiterates once again that the State party should develop a comprehensive law on children's rights at the federal level in line with the principles and provisions of the Convention and ensure the equal implementation of its laws throughout the country.

### **Comprehensive policy and strategy**

8. The Committee recalls its previous recommendations and recommends that the State party adopt a national strategy that provides a comprehensive implementation framework for the federal, provincial and territorial levels of government, spelling out as is appropriate the priorities, targets and respective responsibilities for the overall realization of the Convention and that will enable the provinces and territories to adopt accordingly their own specific plans and strategies. The Committee also recommends that the State party allocate adequate human, technical and financial resources for the implementation, monitoring and evaluation of the comprehensive strategy and related provincial and territorial plans.

### **Coordination**

9. The Committee recommends that the State party establish an appropriate body at a high interministerial level or strengthen the interdepartmental working group on children's rights within the federal government and provide it with a clear mandate and sufficient authority to coordinate all activities related to the implementation of the Convention at the national, regional and local levels and across sectors. The State party should ensure that the coordinating body is provided with the necessary human, technical and financial resources for its effective operation.

### **Allocation of resources**

10. The Committee welcomes the introduction of gender-responsive budgeting at the federal level. Recalling its general comment No. 19 (2016) on public budgeting for the realization of children's rights, and taking note of target 16.5 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Conduct a comprehensive assessment of the budget needs of areas concerning children and allocate adequate budgetary resources, in accordance with article 4 of the Convention, for the implementation of children's rights;

---

<sup>4</sup> [CRC/C/CAN/CO/3-4](#), para. 9.

(b) Take a children's rights-based approach in the elaboration of the State budget, by implementing a tracking system for the allocation and use of resources for children throughout the budget; the State party should also use the tracking system for impact assessments on how investments in any sector may serve the best interests of the child;

(c) Define budgetary lines for all children, with special attention given to those in disadvantaged or vulnerable situations that may require affirmative social measures, such as children of indigenous persons, Canadians of African descent or members of other minority groups and children with disabilities, and make sure that those budgetary lines are protected even in situations of economic crisis, natural disasters or other emergencies.

#### Data collection

11. While noting the existence of 13 unique data regimes, using different techniques, definitions and technologies, making aggregation and comparison of data difficult, and recalling its general comment No. 5 (2003) on general measures of implementation of the Convention, the Committee recommends that the State party:

(a) Improve its data collection system at the federal level in order to allow nationwide comprehensive monitoring of the rights of children and ensure that such data covers all areas of the Convention and the Optional Protocols thereto, with data disaggregated by age, sex, disability, geographical location, ethnic and national origin and socioeconomic background, in order to facilitate analysis of the situation of children, in particular those in situations of vulnerability;

(b) Ensure that data and indicators on children's rights cover all children under 18 years of age and are shared among the ministries concerned and used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention;

(c) Take into account the conceptual and methodological framework set out in the guidelines of the Office of the United Nations High Commissioner for Human Rights, entitled *Human rights indicators: a guide to measurement and implementation*, when defining, collecting and disseminating statistical information.

#### Independent monitoring

12. The Committee is seriously concerned by the lack of an independent children's rights commissioner at the federal level and regrets the closing of the Office of the Ontario Child Advocate's.

13. The Committee urges the State party to:

(a) Expeditiously establish an independent mechanism at the federal level for monitoring children's rights in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) that is able to receive, investigate and address complaints by children in a child-sensitive and child-friendly manner;

(b) Ensure that such a mechanism is mandated to produce public reports on the situation of children's rights;

(c) Restore the Office of the Ontario Child Advocate and its entire previous mandate.

#### Dissemination, awareness-raising and training

14. While noting the insufficient levels of awareness of the Convention among adults and children in the State party, the Committee recommends that the State party strengthen its awareness-raising programmes, including campaigns, in cooperation with civil society organizations at the federal, provincial and territorial levels, to ensure that the Convention and the Optional Protocols thereto are widely known among members of the public, including parents and children themselves. It also recommends

that the State party provide mandatory training on the rights of the child under the Convention and national law to all professionals working with and for children, including government officials, judicial authorities and professionals who work with children in health and social services.

#### **International cooperation**

15. The Committee welcomes the State party's commitments made at the international level in various areas relating to the rights of the child. Taking note of target 17.2 of the Sustainable Development Goals, the Committee encourages the State party to meet the internationally agreed target of 0.7 per cent of its gross national income allocated for official development assistance and to prioritize children's rights in its international cooperation agreements. It also recommends that the State party ensure the conduct of child rights impact assessments of all its current and future international assistance and cooperation programmes.

#### **Children's rights and the business sector**

16. While welcoming the establishment of the post of the Ombudsperson for Responsible Enterprise, in 2018, and recalling its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights and the Guiding Principles on Business and Human Rights, the Committee recommends that the State party establish and implement regulations to ensure that the business sector complies with international and national human rights, labour, environment and other standards, in particular with regard to children's rights. In particular, it recommends that the State party:

(a) Establish a clear regulatory framework for the industries operating in the State party and abroad to identify, prevent, mitigate and account for activities that negatively affect human rights or endanger children's rights, in particular risks posed by fossil fuel production;

(b) Develop and implement a national action plan on business and human rights, in addition to the responsible business conduct strategy, through a multisectoral consultation with a focus on children's rights;

(c) Require companies to undertake assessments, consultations and full public disclosure of the environmental, health-related and other children's rights impacts of their business activities and their plans to address such impacts.

### **B. General principles (arts. 2–3, 6 and 12)**

#### **Non-discrimination**

17. The Committee is deeply concerned about the following:

(a) The discrimination against children in marginalized and disadvantaged situations in the State party, such as the structural discrimination against children belonging to indigenous groups and children of African descent, especially with regard to their access to education, health and adequate standards of living;

(b) The apparent disparities in the treatment of children and their rights among the different regions and territories, especially with regard to children with disabilities, migrant children and children belonging to ethnic minority groups.

18. Taking note of targets 5. 1 and 10.3 of the Sustainable Development Goals, the Committee recommends that the State party put an end to structural discrimination against children belonging to indigenous groups and children of African descent and address disparities in access to services by all children, including those in marginalized and disadvantaged situations, such as indigenous children, children with disabilities, migrant children and children belonging to ethnic minority groups.

### **Best interests of the child**

19. Recalling its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party:

(a) Ensure that the right of the child to have his or her best interests taken as a primary consideration is appropriately integrated into, and consistently interpreted and applied in, all legislative, administrative and judicial proceedings and decisions, as well as in all policies, programmes and projects that are relevant to, and have an impact on, children;

(b) Develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving it due weight as a primary consideration;

(c) Establish compulsory processes for ex ante and ex post impact assessments of all laws and policies relevant to children on the realization of the right of the child to have his or her best interests taken as a primary consideration.

### **Right to life, survival and development**

20. The Committee is seriously concerned about the following:

(a) The reports of unmarked graves found on the sites of former residential schools for indigenous children;

(b) Noting the 2019 findings of the National Inquiry into Missing and Murdered Indigenous Women and Girls, that thousands of girls' deaths or disappearances have likely gone unrecorded over the decades;

(c) Indigenous children from the Anishinaabe community of the Grassy Narrows First Nation in north-western Ontario continuing to experience chronic and severe physical and mental health problems, such as seizures, speech impairments and learning disabilities, as result of mercury contamination of the water in that region.

21. The Committee urges the State party to:

(a) Strengthen measures to investigate and provide justice to families of victims of murder and disappearances and survivors of residential schools across Canada;

(b) Implement the National Inquiry's calls for justice with the meaningful participation of indigenous girls;

(c) Ensure that indigenous children in north-western Ontario have access to the specialized health care necessary to treat mercury poisoning, including by fully funding the construction and operation of the mercury survivors home and care centre sought by the Grassy Narrows First Nation;

(d) Ensure that the federal Government works with the province of Ontario to implement existing commitments to complete remediation of the English-Wabigoon River system to address the mercury health crisis;

(e) Provide effective remedies to children for violations of their right to health as result of mercury contamination and take immediate measures to address the ongoing impacts of mercury contamination on the community's health and well-being.

### **Respect for the views of the child**

22. While welcoming the amendments to the federal Divorce Act, in 2021, requiring judges to consider the child's views and preferences, giving due weight to the age and maturity of the child, and recalling its general comment No. 12 (2009) on the right of the child to be heard, the Committee recalls its previous concluding recommendations<sup>5</sup>

<sup>5</sup> Ibid., para 37.

and recommends that the State party continue to ensure the implementation of the right of the child to be heard in accordance with article 12 of the Convention. In doing so, it recommends that the State party:

- (a) Promote the meaningful and empowered participation of all children, within the family, community and schools and develop and share good practices;
- (b) Ensure that hearing the views of the child are a requirement for all official decision-making processes that relate to children, including custody cases, child welfare decisions and cases concerning criminal justice, immigration and the environment;
- (c) Ensure that children have the possibility to voice their complaints if their right to be heard is violated, with regard to judicial and administrative proceedings, and that children have access to an appeals procedure.

## **C. Civil rights and freedoms (arts. 7–8 and 13–17)**

### **Birth registration and nationality**

23. While noting the disproportionate barriers to access to birth registration for children of indigenous communities, the Committee takes note of target 16.9 of the Sustainable Development Goals and urges the State party to:

- (a) Ensure the issuance of birth certificates for all children born in its territory, in particular indigenous children, immediately after the birth;
- (b) Amend the Citizenship Act to include a definition of stateless person in accordance with international law and consider ratifying the Convention relating to the Status of Stateless Persons.

### **Preservation of identity**

24. The Committee recalls its previous recommendations<sup>6</sup> and urges the State party to:

- (a) Ensure full respect for the preservation of identity for all children and take effective measures to ensure that indigenous children in the child welfare system are able to preserve their identity;
- (b) Restore names on birth certificates where they have been illegally altered or removed;
- (c) Adopt legislative and administrative measures to account for the rights, such as name, culture and language, of children belonging to minority and indigenous populations and ensure that the large number of children in the child welfare system receive an education on their cultural background and do not lose their identity;
- (d) Revise its legislation to ensure that women and men are equally legally entitled to pass their indigenous status to their grandchildren.

## **D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)**

### **Corporal punishment**

25. The Committee takes note of the road map to end violence, 2019, but regrets that bill S-206, which was aimed at repealing the defence allowing for “reasonable force” under section 43 of the Criminal Code, was not adopted. Recalling its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, it urges the State party to:

- (a) Repeal section 43 of the Criminal Code, to remove the existing authorization of the use of “reasonable force” in disciplining children and explicitly

<sup>6</sup> Ibid., para 43.

**prohibit all forms of violence against all age groups of children within the family, in schools and in other institutions where children may be placed;**

**(b) Further promote positive, non-violent and participatory forms of child-rearing and discipline;**

**(c) Conduct awareness-raising campaigns for parents and professionals working with and for children to promote attitudinal change within the family and the community.**

#### **Abuse and neglect**

26. The Committee is seriously concerned that the child welfare system continues to fail to protect indigenous children and adolescents from violence and that there is no national comprehensive strategy to prevent violence against all children. While taking note of the findings of the Truth and Reconciliation Commission in its report issued in 2015 and the Commission's 94 calls to action, it is concerned about the absence of information on measures taken to implement the calls for action.

27. **In the light of its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and recalling targets 5.2, 16.1 and 16.2 of the Sustainable Development Goals, the Committee urges the State party to:**

**(a) Develop and implement a national strategy for the prevention of all forms of violence against all children, allocate the necessary resources to the strategy and ensure that there is a monitoring mechanism;**

**(b) Ensure that the recommendations of the Special Rapporteur on violence against women, its causes and consequences, emanating from her visit to Canada in 2018, on the need for a national action plan on violence against women and girls, in particular against indigenous girls, are implemented and that the calls for justice for girls, women and lesbian, gay, bisexual and transgender persons of the National Inquiry into Missing and Murdered Indigenous Women and Girls are also implemented;**

**(c) Further strengthen awareness-raising and education programmes, including campaigns, with the involvement of children, in order to formulate a comprehensive strategy for preventing and combating child abuse and neglect;**

**(d) Encourage community-based and family-based programmes aimed at preventing and tackling domestic violence, child abuse and neglect by taking an intersectoral and child-sensitive approach, including appropriate therapy for children who are victims;**

**(e) Continue implementation of the 94 calls to action of the Truth and Reconciliation Commission concerning physical and sexual violence, abuse and neglect of Indigenous children in residential boarding schools that lasted for decades.**

#### **Sexual exploitation and abuse**

28. Taking note of targets 5.2, 16.1 and 16.2 of the Sustainable Development Goals, the Committee recalls its previous recommendations and recommends that the State party:

**(a) Provide sufficient support and funding to ensure that all children who are victims of sexual abuse have access to the multiagency and child-friendly child and youth advocacy centres;**

**(b) Consider as a standard procedure the acceptance of audiovisual recordings of a child's testimony as evidence-in-chief, followed by cross-examination without delay in child-friendly facilities;**

**(c) Expand existing government strategies and programmes to address all forms of sexual exploitation, including in the travel and tourism industry and online;**

**(d) Establish a plan of action to coordinate and strengthen law enforcement investigation practices on cases of child sexual abuse in prostitution and to vigorously**

ensure that all cases of missing girls are investigated and prosecuted to the full extent of the law;

(e) Impose sentencing requirements for those convicted of crimes under the Optional Protocol on the sale of children, child prostitution and child pornography, to ensure that the punishment is commensurate with the crime.

#### **Harmful practices**

29. In the light of the reports that Canadian legislation allows for unnecessary medical interventions and surgical treatment on intersex children, the Committee recommends that the State party:

(a) Amend its legislation, in particular section 268 (3) of the Criminal Code, to ensure that intersex children are not subjected to unnecessary medical or surgical treatment, in line with the rights of the child to bodily integrity, autonomy and self-determination, and initiate a national consultation with intersex persons, including children, to inform amendments to the Criminal Code to prohibit non-consensual and medically unnecessary surgeries on intersex children;

(b) Undertake investigations of incidents of surgical and other medical treatment of intersex children without their informed consent and adopt legal provisions in order to provide redress to the victims of such treatment, including adequate compensation;

(c) Educate and train medical and psychological professionals on the range of sexual diversity, and the related biological and physical diversity, and on the consequences of unnecessary surgical and other medical interventions for intersex children.

### **E. Family environment and alternative care (arts. 5, 9–11, 18 (1)–(2), 20–21, 25 and 27 (4))**

#### **Family environment**

30. The Committee recalls its previous recommendation that the State party continue providing and strengthen its support provided to families in vulnerable situations, in particular families living in poverty, in order to prevent the separation of children from their families.

#### **Children deprived of a family environment**

31. The Committee welcomes the coming into force of the Act respecting First Nations, Inuit and Métis children, young people and families, in January 2020, that recognizes indigenous peoples' jurisdiction over child and family services, and takes note of the efforts undertaken by the State party to improve the situation of children in alternative care. However, it remains seriously concerned about the following:

(a) The persistently high number of children in alternative care;

(b) The continuing overrepresentation of indigenous children and children of African descent in alternative care, including foster care, often outside their communities;

(c) That different criteria are being used across jurisdictions for making decisions on child removal and placement in care, on the basis of socioeconomic factors that disproportionately affect indigenous children, children of African descent and other children belonging to minority groups;

(d) That indigenous and children of African descent are at higher risk of abuse, neglect and violence in alternative care than other children.

32. Drawing the State party's attention to the Guidelines for the Alternative Care of Children, the Committee recalls its previous recommendations on children deprived of a family environment and urges the State party to:

(a) Strengthen its preventative measures aimed at avoiding the removal of children from their family environment by providing appropriate assistance and support services to parents and caregivers in the performance of child-rearing responsibilities, including through education, counselling and community-based programmes for parents, and reduce the number of children living in alternative care;

(b) Ensure that the need for placement of each child in institutional care is always assessed by competent, multidisciplinary teams of professionals, that the initial decision of placement is done for the shortest period of time and that children and their families participate in decision-making in order to guarantee an individualized and community-sensitive approach;

(c) Ensure that policies and practices are guided by the principle that financial and material poverty, or conditions directly and uniquely attributable to such poverty, should never be the sole justification for removing a child from parental care or for receiving a child into alternative care;

(d) Ensure adequate safeguards and clear criteria, based on the needs as well as best interests of the child, for determining whether a child should be placed in alternative care;

(e) Establish quality standards for all alternative care settings, ensure the periodic review of the placement of children in foster care and institutions and monitor the quality of care therein, including by providing accessible and effective child-friendly mechanisms for reporting, monitoring and remedying the maltreatment of children and applying sanctions for perpetrators commensurate with the crime;

(f) Strengthen community-based alternative sentences for incarcerated mothers of infants and other children.

## **F. Children with disabilities (art. 23)**

33. Recalling the Committee's general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to continue its efforts to implement a human rights-based approach to disability, to ensure that inclusion of children with disabilities is prominent in its work towards a barrier-free Canada through the implementation of the Accessible Canada Act and to:

(a) Continue to compile data on children with disabilities to inform policies and programmes for them and develop an efficient and harmonized system for disability assessment in order to facilitate access for children with all types of disabilities to accessible services, including to education and health, social protection and legal services, in particular children living in rural areas and on reserves;

(b) Strengthen measures for ensuring inclusive education across all provinces and territories, including by adapting curricula and training and assigning specialized teachers and professionals in integrated classes;

(c) Strengthen the support provided to children with disabilities and their families, in particular in indigenous communities, with all necessary services and quality care, in order to ensure that financial constraints are not an obstacle to access to services and that household incomes and parental employment are not negatively affected;

(d) Strengthen measures to ensure that children with disabilities, in particular in indigenous communities, have access to available, accessible and quality health care, including early detection and intervention programmes within their communities;

(e) Ensure the meaningful participation of indigenous children with disabilities, in particular those living on reserves, in the design and implementation of standards and programmes and provide the human, technical and financial resources necessary for its application.

## **G. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)**

### **Health and health services**

34. Noting with concern that in some provinces children's eligibility for public health care is linked to the immigration status of their parents, recalling its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health and taking note of targets 2.2, 3.1, 3.2 and 3.8 of the Sustainable Development Goals, the Committee recommends that the State party take steps to:

(a) Ensure that all children who live in Canada have an equal entitlement and equal access to public health-care services, regardless of their immigration status;

(b) Promptly address the disparities in the health status of indigenous children, children of African descent, children with disabilities, children living in remote or rural areas and children in alternative care.

### **Mental health**

35. The Committee commends the State party for its efforts to promote awareness of mental health issues, including the federal framework for suicide prevention, but it is concerned that the plan does not include child-specific measures. Taking note of target 3.4 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Strengthen mental health services and programmes for children, including by allocating sufficient financial, technical and human resources for preventive measures, and prioritize mental health service delivery to children in vulnerable situations;

(b) Invest in addressing the underlying causes of poor mental health and the high prevalence of suicidal behaviour among children, to improve knowledge about mental health with a view to promoting children's awareness and access to support services;

(c) Adopt a specific child-focused section of the federal framework for suicide prevention, including a focus on early detection, and ensure that the framework has a clear focus on children, paying particular attention to indigenous children, and that children's perspectives are included in the development of the response and support services provided.

### **Adolescent health**

36. Recalling its general comment No. 4 (2003) on adolescent health and development in the context of the Convention and general comment No. 20 (2016) on the implementation of the rights of the child during adolescence, and taking note of targets 3.3, 3.5, 3.7 and 5.6 of the Sustainable Development Goals, the Committee recommends that the State party strengthen sexual and reproductive health programmes and services provided to all adolescents, paying particular attention to preventing unwanted pregnancies, providing support to pregnant girls and adolescent parents and reducing the risk of sexually transmitted infections.

### **Impact of climate change on the rights of the child**

37. The Committee is concerned about the disproportionately high carbon footprint of the State party, in particular through investments made in fossil fuels, and the negative impact of climate change and air pollution on children's health. Drawing the State party's attention to targets 3.9 and 13.3 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Reduce greenhouse gas emissions in line with the State party's international commitments;

(b) Strengthen awareness-raising among children, with the active participation of schools, on climate change and environmental health, including on relevant air quality and climate legislation, and ensure that children's views are systematically taken into account in developing policies and programmes addressing climate change;

(c) Collect data on the impact of climate change on children and provide information on the issue in its next periodic report.

#### **Standard of living**

38. The Committee welcomes the steps taken to ensure access to clean and safe drinking water for First Nations communities and to work more closely with the communities to address the issue, but it regrets that there remain many indigenous children that lack access to sustainable safe drinking water. In addition, the Committee notes with concern that:

(a) Indigenous communities and communities of Canadians of African descent and children belonging to minority groups in Canada continue to face disproportionate levels of poverty;

(b) Women and children are particularly vulnerable to housing insecurity for a variety of reasons, including family violence, a lack of affordable housing, low wages, under employment and low social assistance rates.

39. Taking note of targets 1.1, 1.2 and 1.3 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) In collaboration with indigenous communities, develop plans for addressing water and sanitation conditions on reserves that allow for long-term and sustainable solutions beyond the current strategy that aims to eliminate all long-term drinking water advisories, and provide quantifiable targets, sufficient and consistent budget allocations and a fixed time frame for the initial implementation;

(b) Ensure that all children and their families living in poverty receive adequate financial support and free, accessible services without discrimination;

(c) Strengthen measures, including timelines and priorities to achieve its targets to end homelessness among children and to progressively guarantee all children from low-income families stable access to adequate and affordable long-term housing that provides physical safety, adequate space, protection against threats to health and structural hazards, including cold, damp, heat and pollution, and accessibility for children with disabilities;

(d) Consider revising the provincial and territorial laws governing evictions to ensure that the best interests of the child are given primary consideration in all eviction matters and that all avenues for eviction prevention are pursued prior to termination of tenancy;

(e) Establish ambitious annual targets to eliminate child poverty, in particular among indigenous children, children of African descent and children belonging to other minority groups, in the poverty-reduction strategies and public monitoring and reporting on outcomes at the national, provincial and territorial levels.

## **H. Education, leisure and cultural activities (arts. 28–31)**

#### **Education, including vocational training and guidance**

40. In line with its previous recommendations and taking note of targets 4.1, 4.6, 4.a, 4.b and 4.c of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Take immediate measures to remove the need for user fees at the level of compulsory education;

(b) Ensure equal access to quality education for all children in the State party, and ensure that indigenous children and children of African descent receive culturally appropriate education that respects their heritage and language;

(c) Take immediate measures to ensure equal access to evidence-based comprehensive sexuality education across provinces and territories, in line with national guidelines for sexual health education and international human rights obligations;

(d) Collect data, disaggregated by race, age, gender identity, sexual orientation, geographical location, ethnicity, immigration status, disability, and socioeconomic background, on disciplinary measures across provincial and territories, in order to monitor and track the impact of measures to reduce the discriminatory effects of disciplinary procedures and develop targeted measures to address systemic discrimination in all levels of compulsory education;

(e) Coordinate with provincial and territorial governments to guarantee the right of the child and adolescents to engage in play and accessible recreational activities appropriate to the age of the child.

#### **Human rights education**

41. Taking note of target 4.7 of the Sustainable Development Goals, the Committee recommends that the State party strengthen efforts to promote the development of a culture of human rights in the education system and:

(a) Conduct a mapping of how children's rights, as articulated in the Convention, are incorporated into provincial education legislation, curricula, policies and practices;

(b) Ensure that human rights education and the principles of the Convention are integrated into the mandatory school curriculum across all provinces and territories and ensure that training on children's rights is compulsory for teachers and professionals working with and for children;

(c) Develop human rights education materials that foster respect for, and appreciation of, diversity and ensure that teachers receive the necessary support to teach children's rights in schools.

### **I. Special protection measures (arts. 22, 30, 32–33, 35–36, 37 (b)–(d) and 38–40)**

#### **Asylum-seeking, refugee and migrant children**

42. Recalling the joint general comments No. 3 and No. 4 of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families/No. 22 and No. 23 of the Committee on the Rights of the Child (2017) on the human rights of children in the context of international migration, and in the light of its general comment No. 6 (2005) on treatment of unaccompanied and separated children outside their country of origin, the Committee recommends that the State party:

(a) Intensify measures to ensure that legislation and procedures use the best interests of the child as a primary consideration in all immigration and asylum decision-making processes and that determination of the best interests is consistently conducted by professionals who have been adequately applying such procedures;

(b) Urgently revise its policy of detaining children who are asylum-seeking, refugees and/or migrants in an irregular situation;

(c) Process cases involving unaccompanied asylum-seeking, refugee and migrant children in a positive, humane and expeditious manner as a means of identifying durable solutions, in line with article 10 (1) of the Convention;

(d) Preserve children's rights to family unity, improve case management and develop alternatives to immigration detention that accommodate the entire family, including children, such as non-custodial, community-based measures that may include reporting requirements, supervised release and reasonable surety or guarantor;

(e) Create an independent mechanism responsible for overseeing and investigating the Canada Border Services Agency and to whom immigration detainees can appeal.

#### **Economic exploitation, including child labour**

43. Taking note of target 8.7 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Take steps to establish a unified mechanism for systematic data collection on the incidences of hazardous child labour and working conditions, disaggregated by age, sex, geographical location and socioeconomic background, as a form of public accountability for protection of the rights of children;

(b) Establish an effective monitoring system for implementation of the Minimum Age Convention, 1973 (No. 138) of the International Labour Organization, including the participation of children, access to child-friendly avenues for lodging complaints and public reports that are accessible to children.

#### **Sale, trafficking and abduction of children**

44. The Committee welcomes the measures taken to address trafficking in children. Recalling its previous recommendations, the Committee recommends that the State party continue to provide regular training to law enforcement officials and prosecutors with a view to protecting all children who are victims of trafficking and improving enforcement of existing legislation.

#### **Administration of child justice**

45. Recalling its general comment No. 24 (2019) on children's rights in the child justice system, the Committee urges the State party to bring its child justice system fully into line with the Convention and other relevant international standards. In particular, the Committee urges the State party to:

(a) Ensure that no person under 18 years of age is sentenced as an adult, irrespective of the circumstances or the gravity of the offence;

(b) Develop an effective action plan towards eliminating the disparity in the rates of sentencing and incarceration of indigenous children and adolescents and Canadian children and adolescents of African descent, including activities such as training of all legal, penitentiary and law enforcement professionals on the Convention;

(c) Ensure the provision of qualified legal aid, at an early stage of the procedure and throughout the legal proceedings, to all children alleged as, accused of or recognized as having infringed criminal law and ensure access to appropriate, rehabilitative, community-based programmes and the maintenance of family connections for incarcerated children and adolescents;

(d) Continue to promote non-judicial measures, such as diversion, mediation and counselling, for children accused of criminal offences and, wherever possible, the use of non-custodial sentences for children, such as probation or community service;

(e) Ensure that detention is used as a measure of last resort and for the shortest possible period of time and is reviewed on a regular basis with a view to its withdrawal;

(f) Collect data on children in conflict with the law and the children of detainees, disaggregated by age, sex, type of offence, ethnic and national origin, geographical location and socioeconomic status, across all federal, provincial,

territorial and municipal governments, in order to develop targeted strategies for addressing systemic discrimination.

**J. Follow-up to the Committee's previous concluding observations and recommendations concerning the implementation of the Optional Protocols to the Convention**

**Optional Protocol on the sale of children, child prostitution and child pornography**

46. With reference to its 2019 guidelines on the implementation of the Optional Protocol, the Committee urges the State party to:

- (a) Ensure that all crimes under articles 2 and 3 of the Optional Protocol are investigated and that perpetrators are prosecuted and sanctioned;
- (b) Ensure that all children subjected to any form of sale or sexual exploitation are treated as victims and not subject to criminal sanctions;
- (c) Further strengthen its measures to prevent and address the online sale of children for the purpose of sexual exploitation and abuse, across provinces and territories.

**Optional Protocol on the involvement of children in armed conflict**

47. Recalling its previous recommendations, the Committee recommends that the State party:

- (a) Consider raising the minimum age of voluntary recruitment into the armed forces to 18 years of age;
- (b) Take immediate measures to repatriate Canadian children from camps in the north-eastern part of the Syrian Arab Republic and provide them with appropriate assistance for their full physical and psychological recovery and social reintegration.

**K. Ratification of the Optional Protocol on a communications procedure**

48. The Committee recommends that the State party ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

**L. Ratification of international human rights instruments**

49. The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the following core human rights instruments:

- (a) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
- (b) International Convention for the Protection of All Persons from Enforced Disappearance;
- (c) Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- (d) Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

**M. Cooperation with regional bodies**

50. The Committee recommends that the State party cooperate with the Organization of American States (OAS) on the implementation of the Convention and

other human rights instruments, both in the State party and in other OAS member States.

## **IV. Implementation and reporting**

### **A. Follow-up and dissemination**

51. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented and that a child-friendly version is disseminated to, and made widely accessible for, children, including the ones in the most disadvantaged situations. The Committee also recommends that the combined fifth and sixth periodic reports, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country.

### **B. National mechanism for reporting and follow-up**

52. The Committee recommends that the State party establish a standing government structure and ensure that it has the mandate and the adequate human, technical and financial resources to effectively coordinate and prepare reports to international and regional human rights mechanisms and to coordinate and track national follow-up to, and implementation of, treaty obligations and the recommendations and decisions emanating from such mechanisms. The Committee emphasizes that such a structure should be adequately and continuously supported by dedicated staff and should have the capacity to consult systematically with the national human rights institution and civil society.

### **C. Next report**

53. The Committee invites the State party to submit its combined seventh and eighth periodic reports by 11 January 2027 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014<sup>7</sup> and should not exceed 21,200 words.<sup>8</sup> In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

54. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document contained in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents<sup>9</sup> and paragraph 16 of General Assembly resolution 68/268.

---

<sup>7</sup> [CRC/C/58/Rev.3](#).

<sup>8</sup> General Assembly resolution 68/268, para. 16.

<sup>9</sup> [HRI/GEN/2/Rev.6](#), chap. I.