<table>
<thead>
<tr>
<th>Ratification Date</th>
<th>Concluding Observations</th>
<th>Government Replies</th>
<th>Implementation Initiatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>UN CRC 13 Dec 1991</td>
<td>CRC/C/CAN/CO/3-4 6 December 2012 <a href="http://www2.ohchr.org/english/bodies/crc/crcs61.htm">http://www2.ohchr.org/english/bodies/crc/crcs61.htm</a> (word doc)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

III. Main areas of concern and recommendations
General measures of implementation (arts. 4, 42 and 44, para. 6 of the Convention)

Data collection

20. The Committee notes with concern the limited progress made to establish a national, comprehensive data collection system covering all areas of the Convention. The Committee notes that the complex data collection systems utilize different definitions, concepts, approaches, and structures across provinces and territories, which therefore makes it difficult to assess progress to strengthen the implementation of the Convention. In particular, the Committee notes that the State party report lacked data on the number of children aged 14 to 18 years old placed into alternative care facilities.

C. General principles (arts. 2, 3, 6 and 12 of the Convention)

Non-discrimination

32. While welcoming the State party’s efforts to address discrimination and promote intercultural understanding, such as the Stop Racism national video contest, the Committee is nevertheless concerned at the continued prevalence of discrimination on the basis of ethnicity, gender, socio-economic background, national origin and other grounds. In particular, the Committee is concerned at:
<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(a)</td>
<td>The significant overrepresentation of Aboriginal and African-Canadian children in the criminal justice system and out-of-home care;</td>
<td></td>
</tr>
<tr>
<td>(b)</td>
<td>The serious and widespread discrimination in terms of access to basic services faced by children in vulnerable situations, including minority children, immigrants, and children with disabilities;</td>
<td></td>
</tr>
<tr>
<td>33.</td>
<td>The Committee recommends that the State party include information in its next periodic report on measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party in follow-up to the Declaration and Program of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, as well as the outcome document adopted at the 2009 Durban Review Conference. The Committee also recommends that the State party:</td>
<td></td>
</tr>
<tr>
<td>(a)</td>
<td>Take urgent measures to address the overrepresentation of Aboriginal and African-Canadian children in the criminal justice system and out-of-home care;</td>
<td></td>
</tr>
<tr>
<td>(b)</td>
<td>Address disparities in access to services by all children facing situations of vulnerability, including ethnic minorities, children with disabilities, immigrants and others;</td>
<td></td>
</tr>
<tr>
<td>E. Violence against children</td>
<td>(arts 19, 37 (a), 34 and 39 of the Convention)</td>
<td></td>
</tr>
<tr>
<td>Corporal punishment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>44.</td>
<td>The Committee is gravely concerned that corporal punishment is condoned by law in the State party under Section 43 of the Criminal Code. Furthermore, the Committee notes with regret that the 2004 Supreme</td>
<td></td>
</tr>
</tbody>
</table>
Court decision Canadian Foundation for Children, Youth and the Law v. Canada, while stipulating that corporal punishment is only justified in cases of “minor corrective force of a transitory and trifling nature,” upheld the law. Furthermore, the Committee is concerned that the legalization of corporal punishment can lead to other forms of violence.

45. The Committee urges the State party to repeal Section 43 of the Criminal Code to remove existing authorization of the use of “reasonable force” in disciplining children and explicitly prohibit all forms of violence against all age groups of children, however light, within the family, in schools and in other institutions where children may be placed. Additionally, the Committee recommends that the State party:

(a) Strengthen and expand awareness-raising for parents, the public, children, and professionals on alternative forms of discipline and promote respect for children’s rights, with the involvement of children, while raising awareness about the adverse consequences of corporal punishment;

(b) Ensure the training of all professionals working with children, including judges, law enforcement, health, social and child welfare, and education professionals to promptly identify, address and report all cases of violence against children.

F. Family environment and alternative care (arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4) and 39 of the Convention)

Family environment

53. The Committee welcomes the State party’s efforts to better support families through, inter alia, legislative and institutional changes. However, the Committee is concerned that families in some disadvantaged
communities lack adequate assistance in the performance of their child-rearing responsibilities, notably those families in a crisis situation due to poverty. In particular, the Committee is concerned about the number of pregnant girls and teenage mothers who drop out of school, which leads to poorer outcomes for their children.

54. The Committee recommends that the State party intensify its efforts to render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities with timely responses at the local level, including services to parents who need counselling in child-rearing, and, in the case of Aboriginal and African Canadian populations, culturally appropriate services to enable them to fulfil their parental role. The Committee further encourages the State party to provide education opportunities for pregnant girls and teenage mothers so that they can complete their education.

Children deprived of a family environment

55. The Committee is deeply concerned at the high number of children in alternative care and at the frequent removal of children from their families as a first resort in cases of neglect or financial hardship or disability. The Committee is also seriously concerned about inadequacies and abuses committed within the alternative care system of the State party, including:

(a) Inappropriate placements of children because of poorly researched and ill-defined reasons for placement;

(b) Poorer outcomes for young people in care than for the general population in terms of health, education, well-being and development;

(c) Abuse and neglect of children in care;
(d) Inadequate preparation provided to children leaving care when they turn 18;

(e) Inadequate screening, training, support and assessment of care givers;

(f) Aboriginal and African Canadian children often placed outside their communities.

56. The Committee urges the State party to take immediate preventive measures to avoid the separation of children from their family environment by providing appropriate assistance and support services to parents and legal guardians in performance of child-rearing responsibilities, including through education, counselling and community-based programmes for parents, and reduce the number of children living in institutions. Furthermore, the Committee calls upon the State party to:

(a) Ensure that the need for placement of each child in institutional care is always assessed by competent, multidisciplinary teams of professionals and that the initial decision of placement is done for the shortest period of time and subject to judicial review by a civil court, and is further reviewed in accordance with the Convention;

(b) Develop criteria for the selection, training and support of childcare workers and out-of-home carers and ensure their regular evaluation;

(c) Ensure equal access to health care and education for children in care;

(d) Establish accessible and effective child-friendly mechanisms for reporting cases of neglect and abuse and commensurate sanctions for perpetrators;
(e) Adequately prepare and support young people prior to their leaving care by providing for their early involvement in the planning of transition as well as by making assistance available to them following their departure;

(f) Intensify cooperation with all minority community leaders and communities to find suitable solutions for children from these communities in need of alternative care, such as for example, kinship care.

Adoption

57. The Committee notes as positive the recent court decision in *Ontario v. Marchland* which ruled that children have the right to know the identity of both biological parents. However, the Committee is concerned that domestic adoption legislation, policy, and practice are set by each of the provinces and territories and vary considerably from jurisdiction to jurisdiction and as a result, Canada has no national adoption legislation, national standards, national database on children in care or adoption, and little known research on adoption outcomes. The Committee is also concerned that adoption disclosure legislation has not been amended to ensure that birth information is made available to adoptees as recommended in previous concluding observations (CRC/C/25/Add.215, para. 31). The Committee also regrets the lack of information provided in the State party on intercountry adoption.

58. The Committee recommends that the State party:

(a) Adopt legislation, including at the federal, provincial and territorial levels, where necessary, to ensure compliance with the Convention and the Hague Convention on Protection of Children and Cooperation in Respect of Inter-Country Adoption;
(b) Amend its legislation without delay to ensure that information about the date and place of birth of adopted children and their biological parents are preserved;

(c) Provide detailed information and disaggregated data on domestic and international adoptions in its next periodic report.

G. Disability, basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) of the Convention)

Children with disabilities

59. The Committee welcomes the ratification of the Convention on the Rights of Persons with Disabilities in 2010. While recognizing that progress has been made on the inclusion of children with disabilities within the State party, the Committee is deeply concerned that:

(c) The cost of caring for children with disabilities often has a negative economic impact on household incomes and parental employment and some children do not have access to the necessary support and services;

(d) Children with disabilities are more than twice as vulnerable to violence and abuse as other children and despite an overall drop in homicide rates among the general population, there appears to be an increase in homicide and filicide rates against people with disabilities.

60. The Committee recommends that the State party implement the provisions of the Convention on the Rights of Persons with Disabilities and in light of its general comment No. 9 (2006), the Committee urges the State party to: […]
(c) Ensure that children with disabilities, and their families, are provided with all necessary support and services in order to ensure that financial constraints are not an obstacle in accessing services and that household incomes and parental employment are not negatively affected;

(d) Take all the necessary measures to protect children with disabilities from all forms of violence.

H. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)

Early childhood education and care

71. The Committee is concerned that despite the State party’s significant resources, there has been a lack of funding directed towards the improvement of early childhood development and affordable and accessible early childhood care and services. The Committee is also concerned at the high cost of childcare, the lack of available places for children, the absence of uniform training requirements for all childcare staff and of standards of quality care. The Committee notes that early childhood care and education continues to be inadequate for children under four years of age. Furthermore, the Committee is concerned that the majority of early childhood care and education services in the State party are provided by private, profit-driven institutions, resulting in such services being unaffordable for most families.

72. Referring to its general comment No. 7 (2005), the Committee recommends that the State party further improve the quality and coverage of its early childhood care and education, including by:

(a) Prioritizing the provision of such care to children between the age of 0 and 3 years, with a view to ensuring that it is provided in a holistic
manner that includes overall child development and the strengthening of parental capacity;

(b) Increasing the availability of early childhood care and education for all children, by considering providing free or affordable early childhood care whether through State-run or private facilities;

(c) Establishing minimum requirements for training of child care workers and for improvement of their working conditions;

(d) Conducting a study to provide an equity impact analysis of current expenditures on early childhood policies and programmes, including all child benefits and transfers, with a focus on children with higher vulnerability in the early years.

1. Special protection measures (arts. 22, 30, 38, 39, 40, 37 (b)-(d), and 32-36 of the Convention)

Asylum-seeking and refugee children

73. The Committee welcomes the State party’s progressive policy on economic migration. Nevertheless, the Committee is gravely concerned at the recent passage of the law entitled, Protecting Canada’s Immigration System Act, in June 2012 authorizing the detention of children from ages 16 to 18 for up to one year due to their irregular migrant status. Furthermore, the Committee regrets that notwithstanding its previous recommendation (CRC/C/15/Add.215, para. 47, 2003), the State party has not adopted a national policy on unaccompanied and asylum-seeking children and is concerned that the Immigration and Refugee Protection Act makes no distinction between accompanied and unaccompanied children and does not take into account the best interests of the child. The Committee is also deeply concerned that the frequent detention of
asylum-seeking children is being done without consideration for the best interests of the child. Furthermore, while acknowledging that a representative is appointed for unaccompanied children, the Committee notes with concern that they are not provided with a guardian on a regular basis. Additionally, the Committee is concerned that Roma and other migrant children often await a decision about their deportation, in an uncertain status, for prolonged periods of time, even years.

74. The Committee urges the State party to bring its immigration and asylum laws into full conformity with the Convention and other relevant international standards and reiterates its previous recommendations (CRC/C/15/Add.215, para. 47, 2003). In doing so, the State party is urged to take into account the Committee’s general comment No. 6 (2005) on. In addition, the Committee urges the State party to:

(a) Reconsider its policy of detaining children who are asylum-seeking, refugees and/or irregular migrants; and ensure that detention is only used in exceptional circumstances, in keeping with the best interests of the child, and subject to judicial review;

(b) Ensure that legislation and procedures use the best interests of the child as the primary consideration in all immigration and asylum processes, that determination of the best interests is consistently conducted by professionals who have been adequately applying such procedures;

(c) Expeditiously establish the institution of independent guardianships for unaccompanied migrant children;

| OPSC to CRC | 14 Sep 2005 |
### D. Principal subjects of concern

24. The Committee notes with concern that low-income families, single-mother-led families and Aboriginal and African Canadian families, are overrepresented in families whose children are relinquished to foster care. The Committee is also concerned that women continue to be forced to relinquish their children into foster care because of inadequate housing.

### E. Suggestions and recommendations

56. The Committee recommends that the State party gather disaggregated statistical data in relation to the relinquishment to foster care of children belonging to low-income families, single-mother-led families, and Aboriginal and African Canadian families in order to accurately assess the extent of the problem. The Committee further recommends that, in accordance with the provisions of article 10 of the Covenant on the protection of families, the federal, provincial and territorial governments undertake all necessary measures including through financial support, where necessary, to avoid such relinquishment.
<table>
<thead>
<tr>
<th></th>
<th>Date</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>CRPD</td>
<td>11 Mar 2010</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hague</td>
<td>19 December</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Intercountry Adoption</td>
<td>1996</td>
<td></td>
<td></td>
</tr>
<tr>
<td>UPR</td>
<td><a href="http://www.ohchr.org/EN/HRBodies/UPR/Pages/CA">http://www.ohchr.org/EN/HRBodies/UPR/Pages/CA</a> Session4.aspx</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Country Report</td>
<td>CRC/C/CAN/3-4</td>
<td><a href="http://www2.ohchr.org/english/bodies/crc/docs/Advance">http://www2.ohchr.org/english/bodies/crc/docs/Advance</a> Versions/CRC-C-CAN-3_4.pdf</td>
<td></td>
</tr>
</tbody>
</table>