



# Convention on the Rights of the Child

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Committee on the Rights of the Child

## Combined fifth and sixth reports submitted by Canada under article 44 of the Convention, due in 2018\*, \*\*

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\* The present document is being issued without formal editing.  
\*\* The annex to the present report may be accessed from the web page of the Committee.



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1. This report provides Canada's response to the Committee's 2012 Concluding Observations on the Convention on the Rights of the Child (CRC/C/CAN/CO/3-4), 2006 Concluding Observations on the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/CAN/CO/1), and 2012 Concluding Observations on the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/CAN/CO/1).

2. Canada addresses most of the Committee's recommendations while respecting the word limit. The report provides an overview of federal, provincial and territorial (FPT) measures, initiated since Canada's appearance in 2012, related to the implementation of the Convention on the Rights of the Child (CRC) and its Optional Protocols. Information that can be found in reports submitted by Canada to other human rights bodies is referenced.

### **Consultation with Civil Society**

3. In preparing this report, Canada consulted select civil society organizations (CSOs) and Indigenous groups on a draft outline of the report. Federal government officials also attended workshops convened by CSOs and engaged in discussions on children's rights. These have informed the responses provided in the report. A summary of the comments received is attached as Annex 2.

### **Consultation with Children and Youth**

4. The Government of Canada contracted the Students Commission of Canada to consult children in advance of this report. The goals of this consultation were to raise awareness of the CRC and to collect children's views on their rights and on important human rights issues facing children in Canada. More than 500 children across Canada were consulted through video conferences and social media posts, a series of 17 workshops, and a pan-national conference. An Executive Summary of the results of this consultation is attached as Annex 3.<sup>1</sup>

### **General Measures of Implementation**

#### **Follow-up information relating to paragraph 9 of the concluding observations (CRC/C/CAN/CO/3-4)**

5. Canada continues to review the necessity of its reservation under Article 37(c), but is not considering withdrawing its reservation at this time. In 2012, the Youth Criminal Justice Act (YCJA) was amended to provide that no person under 18 is to serve a sentence in an adult institution, regardless of whether he or she is given an adult or youth sentence. Therefore, no child can serve any portion of any sentence in an adult facility. However, at the pre-sentence stage, the YCJA provides that youth must be held separate from adults except in exceptional circumstances, having regard to the best interests of the child.

6. For information on the administration of juvenile justice, please refer to paragraphs 175-186 of this report.

### **Comprehensive policy and strategies**

#### **Follow-up information relating to paragraph 13 of the concluding observations and 11 of the concluding observations on the Optional protocol (CRC/C/OPSC/CAN/CO/1)**

7. Since Canada's last appearance, FPT governments have adopted and have begun implementing strategies on a number of issues, including but not limited to, gender-based violence, housing and homelessness, poverty reduction, and early learning and childcare. More information can be found in Canada's third report under the Universal Periodic Review (UPR) at paragraphs 42-49, 71 and 106-108, as well as throughout this report.

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<sup>1</sup> The full report of the consultations of the Students' Commission of Canada is available on the Commission's website.

## Coordination

### Follow-up information relating to paragraph 15 of the concluding observations

8. In 2015, the Government of Canada created the new Cabinet position of Minister of Families, Children and Social Development which provides better coordinated efforts on many children's issues. This Minister's mandate is to increase Canadians' economic and social security, including providing support and services for families with children. The Minister is also responsible for such issues as early learning and childcare, housing and homelessness, and poverty reduction.

9. The Interdepartmental Working Group on Children's Rights (IWGCR) continues to be the main forum at the federal level to promote coordination and collaboration on children's rights issues, including the implementation of the CRC. For information on the IWGCR, see paragraph 164 of Canada's Common Core Document.

10. The Continuing Committee of Officials on Human Rights (CCOHR) remains the main intergovernmental body responsible for consultations and information-sharing among FPT governments with respect to the adherence to and implementation of international human rights treaties. For more information on the CCOHR, see Canada's Common Core Document, paragraphs 131 and 132. Many other FPT groups and provincial-territorial (PT) fora also deal with relevant issues such as child welfare, health and youth justice.

11. In December 2017, FPT Ministers responsible for human rights met to discuss key priorities in relation to Canada's international human rights obligations. During their meeting, the Ministers agreed to modernize the mandate of the CCOHR and made three commitments that were reiterated in the context of Canada's third UPR voluntary commitments. They are:

- Strengthening intergovernmental collaboration and public dialogue on human rights, through the development of a protocol for following up on the recommendations Canada receives from international human rights bodies and a stakeholder engagement strategy;
- Enhancing FPT collaboration on human rights implementation through the creation of a senior intergovernmental mechanism;
- Holding future FPT human rights ministerial meetings.

12. In line with its vision of reconciliation and a renewed nation-to-nation relationship with Indigenous Peoples, the Government of Canada has been coordinating its efforts with the National Indigenous Organizations and Indigenous leadership, as well as other stakeholders, on a number of fronts discussed throughout this report. For instance, in December 2016, the Government of Canada created permanent bilateral mechanisms with First Nations, Inuit and Métis Nation leaders to identify joint priorities, co-develop policy and monitor progress. National Indigenous Organization representatives are also now regularly invited to engage with FPT governments on the occasion of FPT ministerial meetings. The Government of Canada has been working with National Indigenous Organizations to co-develop federal legislation on Indigenous child and family services. In addition, the Government of Canada has established numerous partnerships with First Nations in the field of education to improve student achievement and develop greater capacity.

13. The Canadian Council of Child and Youth Advocates is an association of children's advocates from across the country who have mandates to advance the rights of children and youth. Although their legislative mandates vary, the members are independent officers who report directly to their legislature. Through the Council, they identify areas of mutual concern, and work to address issues at a national level.

## Allocation of resources

### Follow-up information relating to paragraph 17 of the concluding observations

14. Every decision on expenditures and tax measures in the 2018 federal budget was informed by Gender-Based Analysis Plus (GBA+), to understand how these decisions affect different Canadians, including children, differently. Going forward, the Government of Canada will seek to legislate GBA+ to make gender budgeting a permanent part of Canada's budget-making process. These efforts align with the views expressed by children during consultations that governments should focus on fulfilling the rights of the most vulnerable children in Canada, including LGBTQ2 and Indigenous children. Additional information on GBA+ can be found in Canada's third UPR report, paragraphs 37-41.

15. The needs of children are a fundamental consideration that informs annual budgeting in FPT governments. For example:

- In 2013, New Brunswick adopted a Child Rights Impact Assessment process, modelled directly on the CRC, for all major legislative and policy decisions of Cabinet. This has a direct impact on the province's budget;
- To assist children in foster care, Nova Scotia has increased its budget to help foster parents meet the day-to-day needs of children in their care;
- Alberta's budget includes funding for intervention services to assist at-risk children and youth; reduce the number of children coming into care; and provide temporary, safe and nurturing homes for children;
- British Columbia has significantly increased investments in childcare and early learning over the next three budget years toward laying the foundation for provincial universal childcare. Programs that service vulnerable populations include those for child and youth mental health; children and youth with special needs; Indigenous child and family services (developed and delivered through partnerships with Indigenous leaders and communities); and supports for youth formerly in care in transition to independent living.

16. To help address the mental health needs of children, British Columbia and Nova Scotia fund programs that provide services such as counselling for children, improve access to services and increase the presence of support staff in school.

17. Since Canada's appearance, many provinces amplified emphasis on early childhood programs through increased funding to assist families with the cost of childcare.

18. Strategic budgetary lines are also identified in PT budgets for children in disadvantaged or vulnerable situations. For example, PTs identify a program specific budgetary line annually for children and youth advocates, as well as for child welfare services.

### Follow-up information relating to paragraph 19 of the concluding observations

19. Between 2009 and 2017, annual expenditures for development programming on children and youth focused on three paths: child survival (including maternal health); access to quality education and safe and secure futures for children and youth (focusing on strengthening national child protection frameworks); and ending child, early and forced marriage.

20. Moreover, the Government of Canada, in collaboration with the PTs, has been involved with the Global Partnership to End Violence against Children (End Violence) which was established in 2016, with the aim of ending all forms of violence against children by 2030. In 2018, Canada joined End Violence as a pathfinding country: a country that commits to accelerating achievement of the partnership's goals over a period of three to five years.

21. In 2017, Canada launched a new Feminist International Assistance Policy which puts gender equality and the empowerment of women and girls at the centre of Canada's international assistance efforts and helps to protect and promote the human rights of all

people. The policy recognizes the urgency of addressing challenges faced by girls by providing targeted support to:

- The nutritional needs of adolescents and young children;
- Comprehensive sexual and reproductive health and rights;
- Completion of secondary education; and
- The elimination of sexual and gender-based violence, including child, early and forced marriage and female genital mutilation/cutting.

22. Also in 2017, Canada announced financial support for sexual and reproductive health and rights, which will provide dedicated support to meet the unique needs of adolescent girls and the hardest to reach, including women and girls in humanitarian crises.

23. Canada has used its 2018 G7 Presidency to bring increased attention to girls, including through the creation of the Gender Equality Advisory Council and the Whistler Declaration on Unlocking the Potential of Adolescent Girls for Sustainable Development. At the Leaders' Summit, Canada, along with other partners, announced an investment of close to CAD \$3.8 billion for education for women and girls in crisis and conflict situations.

## **Data Collection**

### **Follow-up information relating to paragraph 21 of the concluding observations**

#### *Health data*

24. New data collection initiatives related to the rights of children have been developed and launched since Canada's last appearance. For example, the Canadian Health Survey on Children and Youth will be conducted in 2019. It is designed to provide a holistic picture of the health and well-being of Canadian children and youth by collecting information about factors influencing their physical and mental health. The survey will collect data on children between the ages of 1 and 17, either directly or through their parents, depending on the child's age. The survey will also include questions for 12 to 17 year-olds to determine their awareness of children's rights, and to understand where that awareness was gained.

25. In 2017, the Government of Canada released the Youth Positive Mental Health Surveillance Indicator Framework to support the promotion of positive mental health, and the Suicide Surveillance Indicator Framework to inform suicide prevention initiatives. These frameworks provide comprehensive data on outcomes, and risk and protective factors at the individual, family, community and societal level.

26. Most PTs contribute data to the Paediatric Rehabilitation Reporting System (PRRS) to track longitudinal data on children with cerebral palsy and autism spectrum disorder. The purpose of this data collection is to identify opportunities to improve care, benchmark performance standards across Canada, and ensure strategic alignment in services. The long-term plan is to add other disorders and illnesses affecting children to the PRRS.

27. The governments of Canada and the Northwest Territories are working to support a Pan-Northern Minimum Data Set that will improve the ability of territorial health and social programs to measure outcomes, analyze trends and inform decision-making on child welfare. These initiatives are being supported in part as a response to the final report of the Truth and Reconciliation Commission of Canada (TRC), which called on FPT governments to collect better data on Indigenous children involved in the child welfare system. For more information on the TRC and Canada's response to its report, see Canada's third UPR report, paragraphs 22-24, as well as the Government of Canada's website.

28. The Government of Canada is funding the Assembly of First Nations to conduct the Canadian Incidence Study of Reported Child Abuse and Neglect and the First Nations Incidence Study of Reported Child Abuse and Neglect in 2019. Reports on major findings will be available in 2021.

*Early childhood development*

29. Most PTs use the Early Development Instrument (EDI), a 103-item questionnaire that Kindergarten teachers fill out on behalf of each child in their classroom. It provides information on five areas of development: physical health and well-being, social competence, emotional maturity, language and thinking skills, and communication and general knowledge. EDI results show the percentage of kindergarten children on-track, at-risk, or vulnerable in the five developmental domains. The results for individual children are aggregated by provincial governments by community and provincial level, and can be used to inform planning, policy and programming decisions.

*Child welfare*

30. Many PTs, such as Prince Edward Island, Saskatchewan, and British Columbia, use an open data approach to information and make non-identifiable, aggregated data related to the child welfare services available to members of the public via government websites.

31. Ontario's Child, Youth and Family Services Act, 2017, has established a comprehensive new framework for the collection, use and disclosure of personal information in the child services sector, and created new privacy rights for children. The Act provides legislative authority to require service providers and agencies to collect certain information including personal information to support improved service delivery and evaluation.

32. Additionally, la *Commission des droits de la personne et des droits de la jeunesse du Québec* has added a variable to its administrative data system to identify intervention requests relating to the rights set out in the *Youth Protection Act* and the *Youth Criminal Justice Act* that affects Indigenous children.

**Independent monitoring and child-friendly reporting mechanisms****Follow-up information relating to paragraph 23, 56(d) of the concluding observations**

33. In 2017, New Brunswick's Child and Youth Advocate revised the data and reporting structure used in its annual State of the Child report to align with the CRC. The Child Rights Indicators Framework informing the report has improved data disaggregation.

34. Canada does not have a national independent monitoring body specifically for children's rights. However, most PTs have children's advocates or representatives to promote and protect children's rights, and/or to allow children to pursue remedies for violations of their rights.

- Since 2015, Nunavut's Representative for Children and Youth office engages in systemic advocacy, individual advocacy, and reviews of critical injuries and death, in addition to raising public awareness;
- In 2018, new legislation expanded the mandate of the Advocate for Children and Youth of Manitoba beyond the child welfare system to include justice, mental health, addictions, and disability services;
- In 2018, enhancements to the complaints process have been in development in British Columbia. The complaints process is available if a person has a complaint about child or family services, actions or decisions provided by the British Columbia government, or a Delegated Aboriginal Agency. An individual can first try to resolve the complaint with their social worker. If there is no resolution, they can contact a complaints specialist to work towards resolution. The rights, best interests and views of the child or youth guide the process, which can also be accessed by children and teens. A young person can also have someone be their advocate, to help them with the process.

35. Several PTs adopted measures to raise awareness of child and youth advocates among children. For example, Alberta and British Columbia posted information online to assist citizens, families, stakeholders, and the public understand topics related to child intervention, and provide information on youth advocates. In British Columbia, children in care have the

right to be informed about and to be assisted in contacting the Representative for Children and Youth or the Office of the Ombudsperson.

36. Child-friendly mechanisms are in place for reporting cases of neglect and abuse in Canada. New initiatives include:

- Ontario developed a brochure for children that describes new child protection services available to 16 and 17-year olds, eligibility for the services, and how children can report to a children's aid society, including Indigenous child well-being societies, if they are, or may be, in need of protection;
- In British Columbia, an updated public website provides information on resources available to children, youth and families, such as BC's toll-free Helpline for Children, available on a 24/7 basis.

## **Dissemination and awareness-raising**

### **Follow-up information relating to paragraph 25 of the concluding observations**

37. The Government of Canada and the majority of PTs organize activities for children for the annual promotion of National Child Day on November 20, which are aimed at awareness-raising and promoting the rights of children to the public, including their families, caregivers or anyone who witnesses a rights violation. For example:

- In Newfoundland and Labrador, the Minister gives a Statement, and blue ribbons with an accompanying card and link to the CRC are distributed in the House of Assembly and to government employees;
- The Government of Canada's National Child Day website makes resources available for parents, caregivers, educators, and children and youth.

38. Many events were organized to mark the 25th anniversary of Canada's ratification of the CRC. For example, the Government of Canada organized a child rights workshop, in partnership with CSOs. This workshop was followed by a panel discussion comprised of youth representatives, CSO representatives and Parliamentarians, together with an audience of local youth, to discuss child rights.

39. The Government of Canada also raises awareness of children's rights by sharing relevant information online. Canada's reports to UN treaty bodies and background information on the periodic reporting processes, as well as specific information on children's rights, are available on the Government of Canada's website.

40. PTs raise public awareness of children's rights via a wide range of measures, such as the work of children's advocates, publications, service training modules, and websites. For example:

- Ontario, Nova Scotia and Alberta have publications available to children on their rights. In Alberta, two booklets (Children Have Rights and Youth Have Rights, for ages 0-11 and 12-24 respectively) inform children and youth of their rights when involved with child intervention services. They are culturally inclusive, and explicitly acknowledge Alberta's endorsement of the CRC. They also reflect the United Nations Declaration on the Rights of Indigenous Peoples recognition of the unique rights of Indigenous children and youth;
- In Nova Scotia, the Office of the Ombudsman has staff that provides services in English, French and Mi'kmaq to youth in correctional facilities, the province's one secure care facility, and residential child-caring facilities. It also ensures that youth in police holding cells are aware of its free services;
- The *Commission des droits de la personne et des droits de la jeunesse du Québec* participates annually in the Equitas International Human Rights Training Program where it acts as a content specialist on the CRC. Additionally, ad hoc training sessions offered to newcomer organizations, community organizations and child care centers address the CRC and the rights of the child.

41. CRC principles are also integrated in education curricula and school settings across Canada. For example:

- New Brunswick's early childhood curriculum frameworks are informed by the CRC;
- Alberta has created resources for students and school administrators to provide information to support students to start or maintain gay-straight alliances/queer-straight alliances at their schools;
- The Human Rights Commission of Prince Edward Island engages in education and outreach in school settings with specific curriculum objectives and resources to assist continued dissemination of rights information in the school setting.

## **Training**

### **Follow-up information relating to paragraph 27 of the concluding observations**

42. Numerous FPT officials have been trained on children's rights and issues since Canada's last appearance. For example:

- FPT officials have participated in Government of Canada-led webinars on a variety of youth criminal justice topics, including restorative justice and supporting youth with Fetal Alcohol Spectrum Disorder;
- New Brunswick offered professional development workshops on Child Rights Impact Assessments in partnership with UNICEF Canada;
- Border services officers receive training on the rights of children as part of their introductory training program, covering topics such as the rights of victims of trafficking, unaccompanied minors including those seeking protection, and victims of sexual or gender-based violence;
- Some Montreal-Trudeau International Airport employees receive training on how to address domestic and intimate partner violence, including forced marriages and honor-based violence;
- British Columbia issued Immigration Practice Guidelines and offered training for social workers assisting children in contact with the immigration and refugee system in 2017.

43. Training tools on children's rights and issues is also made available to educators and school administrators. For example:

- Ontario and Manitoba launched resources to identify and eliminate discriminatory practices and systemic barriers in schools. Manitoba's resource addresses historical and contemporary racism as experienced by Indigenous Peoples in Canada. It provides guidance on how schools can address such racism and take action;
- In 2016, Alberta funded the development of the Respectful Schools Online Toolkit to support human rights education in schools.

44. FPT governments offer opportunities for government lawyers, including prosecutors, to receive training on topics such as the CRC, immigrant children's rights, youth criminal justice, violence against children, human trafficking, Internet child exploitation, and victims and vulnerable witnesses.

45. Police training in many jurisdictions includes components on children's rights and issues. For example, the Ontario Police College and the Ontario Provincial Police Academy provide training on children and vulnerable groups of children, and all new recruits are provided with training on sexual offences involving children. The Royal Canadian Mounted Police (RCMP) has developed specific training on how to respond to honour-based violence, under-age and forced marriage. The online course is available to all RCMP Officers across Canada.

## **Child rights and the business sector**

### **Follow-up information relating to paragraph 29 of the concluding observations**

46. In 2018, the Government of Canada announced the creation of an independent Canadian Ombudsperson for Responsible Enterprise, to review allegations of human rights abuses arising from the operations of Canadian companies abroad in the mining, garment and oil and gas sectors. For more information, see Canada's third UPR report, paragraph 118.

47. The Government of Canada co-chaired a working group with UNICEF Canada and Barrick Gold to create and promote the Child Rights and Security Checklist, released in March 2017. The Checklist is designed to help improve respect for children's rights in extractive businesses' security arrangements. In March 2018, the working group released the Child Rights and Security Handbook, an implementation companion of the Checklist.

## **Definition of a Child**

### **Follow-up information relating to paragraph 31 & 86 (b) of the concluding observations**

#### *Trials of children held exclusively in youth courts*

48. The age of criminal responsibility in Canada is 12 years old. Children below the age of 12 cannot be tried or convicted of offences. Children aged 12 through 17 who are alleged to commit offences are dealt with according to the provisions of the YCJA. The YCJA came into force in 2003 and eliminated the possibility of transferring children to adult court. Now, all trials of children occur in a youth court. In extreme circumstances, a youth court can impose an adult sentence on a child aged 14 or older if the prosecution is able to rebut the presumption that the child has diminished moral blameworthiness and prove that a youth sentence would not be of sufficient length to hold the child accountable in the circumstances. For more information on Canada's juvenile justice system, see paragraphs 6, 175-186 of this report.

49. In January 2018, age of protection amendments under the new Child, Youth and Family Services Act came into force, bringing Ontario in line with the definition of the child as stated in the CRC. The new law raised the age of protection in Ontario from 16 to 18 years old, meaning more vulnerable and at-risk children are now eligible to receive protection services to help them succeed and reach their full potential.

## **General Principles**

### **Non-discrimination**

#### **Access to government services for vulnerable children, including Indigenous children**

### **Follow-up information relating to paragraph 33 (b) of the concluding observations**

50. FPT governments have put in place measures to ensure that, in law and practice, Indigenous children, children with disabilities, immigrant children and other vulnerable groups have equal access to all government services. For example:

- New Brunswick has a new integrated continuum of services and support for children with addictions, mental health and behavioural needs;
- Québec and British Columbia have provided additional funding to childcare programs that allow for inclusion of children with issues such as developmental delay or disability in physical, cognitive, communicative or social/emotional/behavioural areas;

- Northwest Territories' education bodies welcome students within a common learning environment in the communities in which students reside and provide support to enable teachers to meet their diverse needs;
- In 2017, Ontario supported 95 organizations that deliver social and economic integration services to 25,000 refugees and vulnerable newcomers, including targeted programming for refugee children, with the goal of meeting the unique needs of refugees, refugee claimants and vulnerable newcomers and improving their integration outcomes;
- On arrival in Manitoba, immigrant children to parents who have landed status now have full access to all mental health or addictions services available to any other Manitoban;
- In June 2018, the Government of Canada introduced the Accessible Canada Act in Parliament. If passed, the Act will identify, remove and prevent barriers to accessibility in priority areas under federal jurisdiction, including service delivery and the procurement of goods and services.

#### **Follow-up information relating to paragraph 33 (d) of the concluding observations**

51. Indigenous children in Canada face serious challenges, including greater rates of poverty and food insecurity, a higher likelihood to experience poor housing conditions, lower education outcomes, greater health disparities, and a greater risk of being victimized by crime. Previous policies, such as Indian Residential Schools, have left a lasting legacy contributing to persistent social problems and poorer outcomes in some Indigenous communities. Canada believes that this must change and FPT governments are working with Indigenous Peoples to improve the quality of life of Indigenous children.

52. In July 2016, the Government of Canada committed new funding to help improve First Nations children's access to needed services. The bulk of this funding will pay for services for First Nations children when there is an unmet health, educational or social support need, pursuant to Jordan's Principle.

53. FPT governments are working towards the equal application of Jordan's Principle to all First Nations children, on and off reserve. Additional information on Jordan's Principle can be found in Canada's third UPR report, paragraphs 25-29.

54. FPT governments aim to work collaboratively with Indigenous partners to co-develop long-term policy options for ensuring that Indigenous children have access to the services and supports that they need. See Canada's third UPR report, paragraphs 32-34.

## **Discrimination on the basis of gender and gender identity**

#### **Follow-up information relating to paragraph 33 (c) of the concluding observations**

55. Canadian youth have indicated that gender inequality is still a significant issue that affects those of all gender identities. The Government of Canada has released a GBA+ Action Plan (2016-2020), which outlines the specific activities that it will undertake to identify and address barriers that prevent the systematic conduct of rigorous gender-based analysis and to assign sufficient resources to fulfill the gender-based analysis mandate. For additional information on GBA+ and the consideration of impacts across a range of intersectional identity factors in FPT legislation, policies and programs, see paragraphs 14 and 116 of this report.

56. In 2017, the Government of Canada adopted It's Time: Canada's Strategy to Prevent and Address Gender-Based Violence. The Strategy builds on existing measures already underway and seeks to strengthen FPT collaboration, including through annual meetings of FPT Ministers Responsible for the Status of Women. Information on the Strategy can be found in Canada's third UPR report, at paragraph 43 and recommendations 128.91 and 128.96 of Annex 1. Examples of PT initiatives can be found in Canada's third UPR report, at paragraphs 44-49.

57. In June 2017, gender identity and gender expression were added to the list of prohibited grounds of discrimination in the *Canadian Human Rights Act* and the list of characteristics of identifiable groups protected from hate propaganda in the *Criminal Code*. PTs have also adopted provisions to prohibit discrimination based on gender identity or gender expression.

## **Best interests of the child**

### **Follow-up information relating to paragraph 35 of the concluding observations**

58. The best interests of the child (BIOC) principle is applied in policy, administrative and legal decision-making in Canada in many contexts, including child protection, immigration, family law, child welfare, health, youth criminal justice and adoption. The principle is affirmed in several pieces of FPT legislation, including:

- The federal Immigration and Refugee Protection Act;
- The federal Youth Criminal Justice Act;
- The federal Divorce Act;
- Northwest Territories' Children's Law Act;
- Manitoba's The Child and Family Services Act and The Protecting Children (Information Sharing) Act;
- British Columbia's Child, Family and Community Service Act and Family Law Act; and
- Saskatchewan's The Child and Family Services Act.

59. Guidance on applying the BIOC principle in different legislative, policy and programmatic contexts have also been developed. For example:

- The Child Intervention Services and Family Support for Children with Disabilities Program Coordination Protocol, released in Alberta in 2013, is a public document that outlines the roles and responsibilities of each program to work together in the best interests of children with disabilities and their families;
- New Brunswick has adopted the Family Group Conference model, which may be used in cases where it is determined that a child needs protection. The process is a culturally respectful, family-centered decision-making process that brings together a family group, social workers and other service providers to develop a plan for the safety and well-being of children.

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

### **Follow-up information relating to paragraph 37 of the concluding observations**

60. Since 2016, the Government of Canada has enhanced engagement with youth to understand and respond to their views on policies that affect them. Examples include:

- The Prime Minister's Youth Council, created in 2016, is a group of young Canadians, aged 16-24 at the time of application, who provide non-partisan advice to the Prime Minister and the Government of Canada. For more information, see paragraph 165 of Canada's Common Core Document;
- The Government of Canada is developing Canada's youth policy and has undertaken extensive online and in-person consultation with youth to support that process;
- Some federal bodies also have their own consultation mechanisms for children and youth. For example, the RCMP National Youth Advisory Committee, composed of children aged 13-18 from across Canada, assists in the development of strategies to prevent youth crime and victimization;

- Since 2016, the Government of Canada has been consulting youth aged 12 to 22 as part of its ongoing review of the criminal justice system;
- In 2017, the template used for initiatives requiring federal Cabinet approval was updated to include information on outreach activities incorporating the views of stakeholders, including youth.

61. In PTs, several dedicated and ongoing consultations with children have taken place, including:

- Alberta's Minister's Youth Council, created in 2017, gives students the opportunity to provide input on education initiatives and issues;
- British Columbia's Youth Advisory Committee, composed of 15 youth in care or formerly in care, is consulted on a broad variety of child and youth initiatives and contributes input to the government and community organizations on policy, training and practices;
- In Prince Edward Island, the Youth Futures Council, made up of 14 youth aged 16-29, have been engaged in policy development and consultation tables on economic development.

62. FPT governments also ensure that the views of the child are considered in decision-making processes that affect them, such as in family law and child protection cases. For example:

- Amendments to the *Divorce Act* tabled in the Parliament of Canada in May 2018 would, if adopted, create a list of criteria for considering the best interests of the child, one of which would require judges to consider the child's views and preferences, giving due weight to the child's age and maturity;
- Since 2013, Newfoundland and Labrador requires that a child over 12 give their consent to be adopted. Moreover, a child over 5 must be counselled on the effects of adoption;
- In the Northwest Territories, the Office of the Children's Lawyer provides a voice for children in child protection matters and some custody cases.

## Civil Rights and Freedoms

### Birth registration, name and nationality

#### Follow-up information relating to paragraph 41 of the concluding observations.

63. Canada is a party to the 1961 Convention on the Reduction of Statelessness and complies with its obligation to prevent and reduce future cases of statelessness. Protections exist in the *Immigration and Refugee Protection Act* and *Citizenship Act*. Any stateless person in Canada requiring refugee protection can access protection through the asylum system. Those not requiring refugee protection can apply to remain in Canada on humanitarian and compassionate grounds or through other immigration programs.

64. When the Government of Canada amended the *Citizenship Act*, in 2009, it also enacted a safeguarding provision to comply with its obligations under the 1961 Convention on the Reduction of Statelessness. Pursuant to the Act, citizenship will be granted to a child born abroad to a Canadian parent if that child is stateless, and if the other criteria in the Act are met.

### Preservation of identity

#### Follow-up information relating to paragraph 43 of the concluding observations

65. The Government of Canada recognizes and regrets that previous versions of the *Indian Act* resulted in differential treatment of Indigenous women and their descendants. Bill S-3, adopted in December 2017, extends eligibility for registration under the *Indian Act* to

descendants of women who lost eligibility upon marriage to a non-Indian man prior to 1985, on a basis fully equal to the descendants of Indigenous men.

66. For information on FPT governments' efforts to preserve, revitalize and promote Indigenous languages, see paragraphs 24, 34 and 35 of Canada's third UPR report.

## **Violence against Children**

67. All governments in Canada have put in place legislative, policy, programmatic and educational measures to protect children from violence.

### **Corporal punishment**

#### **Follow-up information relating to paragraph 45 of the concluding observations**

68. The *Criminal Code* and PT child protection laws provide comprehensive protection to children against violence. Of note, section 43 of the *Criminal Code* is a limited defense to criminal liability for parents, persons standing in the place of parents, and teachers for the non-consensual application of reasonable force toward children that is reasonable under the circumstances. The issue of whether section 43 should be repealed raises differing and strongly held views across Canada. The Government of Canada continues to support parenting education programs that promote the non-physical discipline of children and alternative disciplinary choices, including publications that explain the law in Canada.

69. Many PTs offer programs that teach positive parenting and discipline strategies for home and in-care milieus. For instance, both New Brunswick and Québec have legislation that require operators of childcare facilities to ensure positive reinforcement and guidance of children, and ensure that no child is subjected to any form of physical punishment or verbal/emotional abuse or is denied physical necessities. Many PT governments have a zero physical discipline policy for childcare facilities.

### **Abuse and neglect**

70. In all jurisdictions, if a complaint is received alleging child maltreatment, circumstances are reviewed to determine if an investigation is required, and if there is a concern regarding criminal conduct, protection work is undertaken in cooperation with police.

#### **Follow-up information relating to paragraph 47 (a) of the concluding observations**

71. All FPT governments have implemented initiatives to prevent abuse and neglect. For example:

- Manitoba's Child and Family Services program has incorporated the Safe and Together model of domestic violence informed practice. It identifies the perpetrator's patterns of behaviour and recognizes the actions the non-offending parent has taken to protect the child;
- In 2016, the Prince Edward Island Premier's Action Committee on Family Violence released a multi-year strategy involving government departments and non-governmental agencies with actions defined under the following priority areas: awareness, education and engagement, coordination and training, interventions and service delivery, policy, protocols, legislation, and research and evaluation;
- The Government of Canada is investing new, ongoing funding for projects aimed at preventing child maltreatment and teen/youth dating violence. The teen/youth dating violence projects will incorporate intervention research to determine if they are effective and to share knowledge about "what works" in this field.

72. For more information on the federal and PT strategies, consult paragraphs 43-49 of Canada's third UPR Report and recommendation 106 in its Annex 1.

**Follow-up information relating to paragraph 47 (b) of the concluding observations**

73. The Government of Canada announced a national public inquiry into missing and murdered Indigenous women and girls in December 2016, through which all PT governments are collaborating. For information on the National Inquiry, please refer to paragraphs 50-54 of Canada's third UPR Report.

74. In 2015 and 2016, the Government of Canada announced multi-year investments to support the delivery of direct, culturally responsive services for Indigenous women and girls who are victims of violence and the families of missing and murdered Indigenous women and girls. This includes Family Information Liaison Units that work directly to support families. This funding has been extended to March 31, 2020, to support families beyond the life of the National Inquiry.

75. The federal Victims Bill of Rights Act, enacted in 2015, enshrines the rights of victims of crime, including children, in four areas: information, protection, participation and restitution. The Act also amended Canada's Criminal Code to require judges to inform victims under the age of 18 that they can apply for a publication ban, and to order the publication ban if it is applied for.

76. Notable initiatives to combat violence against Indigenous women and girls at the PT level include:

- British Columbia provides grants for community-led projects focused on addressing violence against Indigenous women and girls (e.g. gatherings for vulnerable Indigenous women, healing and rebuilding initiatives, training for frontline service providers);
- As part of its Action Plan for the Social and Cultural Development of First Nations and Inuit, Québec is planning measures to improve the prevention and intervention plan for sexual abuse among Indigenous youth.

**Sexual exploitation and abuse****Follow-up information relating to paragraph 49 of the concluding observations**

77. All governments in Canada have prevention, intervention and support measures in place to protect children from child sexual exploitation. In addition to information provided below, see paragraphs 74 to 77 of Canada's third UPR Report, as well as recommendations 128.109, 128.112 and 128.113 of Annex 1 to that report.

**Follow-up information relating to paragraph 49 (a) of the concluding observations**

78. FPT governments have taken several new measures to expand existing strategies and programs to address the sexual exploitation of children. Examples include:

- In 2015, a new criminal offence of non-consensual distribution of intimate images was enacted, thus prohibiting this aspect of cyberbullying;
- The Child Sexual Abuse Protocol for Prince Edward Island, implemented in 2013, involves six government departments, all Island police services and both First Nations, and supports an integrated, collaborative response to child sexual abuse;
- Yukon held a two-day symposium that brought together more than 100 government and non-government officials to share insight on how to best support children and families who are impacted by sexualized abuse;
- The definition of sexual abuse in the *Children and Family Services Act* of Nova Scotia was expanded in 2016 to include offences against children and offences concerning children;
- Québec launched the 2016-2021 Government Strategy to Prevent and Counteract Sexual Violence, which includes several measures to combat the sexual exploitation of children.

#### **Follow-up information relating to paragraph 49 (b) of the concluding observations**

79. The Government of Canada has taken several measures to strengthen investigation capacity in child sexual exploitation cases. For example:

- In 2016, the RCMP created the High Risk Sex Offender Unit to review files, conduct risk assessments of high risk child sex offenders, and assist in information-gathering to verify and monitor the travel compliance of Registered Sex Offenders;
- The Canadian Centre for Child Protection, Canada's national tip line to report suspected cases of online child sexual exploitation, is receiving additional funding to enhance its victim support strategy, its capacity to deal with increased reports of suspected online child sexual exploitation, and to remove child sexual exploitation material online;
- In 2018, the Government of Canada announced funding to enhance support for the National Child Exploitation Coordination Centre to increase investigative capacity of the RCMP.

#### **Follow-up information relating to paragraph 49 (c) of the concluding observations and 23& 27 of the concluding observations on the Optional protocol (CRC/C/OPSC/CAN/CO/1)**

80. In March 2018, Bill C-75, An Act to amend the Criminal Code, the Youth Criminal Justice Act and other Acts and to make consequential amendments to other Acts, was introduced in Parliament. This Bill includes amendments that would facilitate human trafficking prosecutions, as well as forfeiture of proceeds of crime for human trafficking offences. The 2014 Protection of Communities and Exploited Persons Act created new sex trade related offences penalties for sex trade offences involving child victims, as well as for child trafficking offences. The Tougher Penalties for Child Predators Act of 2015 amended the Criminal Code to increase penalties for certain child sexual offences.

#### **Follow-up information relating to paragraph 49 (d) of the concluding observations**

81. FPT governments recognize the importance of rehabilitating individuals convicted of sexual crimes to prevent reoffending. The Government of Canada and most PTs have developed and implemented intervention programs or offer targeted, specialized services to offenders during incarceration and after release into the community, such as:

- The governments of Canada and of the Northwest Territories offer interventions at intensity levels that are commensurate to offenders' risk levels, and that contribute to reduce re-offending by targeting multiple factors that are known to be directly related to criminal behavior;
- Correctional services across Canada also implemented specific models to address women offenders' multiple targets and risk factors that may lead to child sexual exploitation offences;
- Prince Edward Island offers a Sexual Deviance Assessment & Treatment Program to provide skilled assessment and treatment to adolescent who have engaged in, or who are at risk of engaging in, sexually deviant behaviour. This program is for adults and adolescents who are involved in the criminal justice system as a result of committing a sexual offence;
- The Sexual Offender Probation Unit in Manitoba offers a cognitive behavioural intervention program in the community that delivers weekly group sessions for close to a year to offenders on release who were convicted of a sexual offence, with an emphasis on relapse prevention.

## Harmful practices

### Follow-up information relating to paragraph 51 of the concluding observations

82. Canada's efforts to protect children from underage and forced marriage have been two pronged: legislative and regulatory changes have been accompanied by awareness-raising efforts among law enforcement, other key actors, and the general public. Examples include:

- The *Criminal Code* was amended to create two new offences related to early (under age 16) and forced marriage ceremonies, to expand the existing offence of removing a child from Canada for the purpose of committing one of several designated offences so that it includes removing a child from the country for a forced or early marriage, and to create a new court-ordered peace bond to prevent forced or early marriages from taking place;
- Since 2015, the national absolute minimum age of marriage in Canada is 16 years of age. For more information on the minimum age of marriage, please refer to recommendation 128.81 in Annex 1 of Canada's third UPR Report;
- In 2015, Canada changed the minimum age of eligibility of a recognized spouse from 16 to 18 for all permanent and temporary resident immigration programs. At the same time, regulations came into force to ensure that marriages conducted by proxy, telephone, fax, or Internet are not recognized by immigration programs;
- In 2015, the Government of Canada hosted a national conference entitled Tackling Early and Forced Marriage and Honour Based Violence in Canada. It also provided seven sector-specific workshops on underage and forced marriage and honour-based violence with police, prosecutors, child protection officials, shelter workers and academics;
- Public legal education materials entitled *Abuse is Wrong in any Language* and *Child Abuse is Wrong: What Can I Do?* were updated to include references to the new criminal prohibitions on underage and forced marriage.

83. Following the case of Bountiful, referenced at paragraph 50 of the Concluding Observations, wherein two people were found guilty of polygamy in March 2018, British Columbia has been proactive in engagement with residents for their understanding of legal obligations to protect children and the nature of laws that support the work. Awareness of government services and supports has been promoted, such as for children's mental health, safe homes, parenting support, a men's anger management group, a sexual abuse intervention program, and family counselling. If a complaint is received alleging child abuse, circumstances are reviewed to determine if an investigation is required, and if there is a concern regarding criminal conduct, protection work is done in cooperation with police.

### Follow-up information relating to paragraph 52 of the concluding observations

84. Further information on FPT governments' measures to eliminate violence against children can be found at paragraphs 42-54 of Canada's third UPR report.

## Family Environment and Alternative Care

### Family environment

#### Follow-up information relating to paragraph 54 & 68 (b) of the concluding observations

##### Appropriate assistance to parents

85. The Government of Canada has implemented new programs and forms of assistance that help caregivers balance work and family responsibilities to benefit the children they are caring for. For example:

- In 2016, the Government of Canada launched the Canada Child Benefit, a tax-free benefit made to eligible families to help with the cost of raising children. Targeted to those who need it most, it is helping lift approximately 300,000 children out of poverty;
  - Canada's Employment Insurance (EI) parental benefits are payable to birth or adoptive parents following the birth or placement of a child or children;
  - Since 2017, parents can choose the standard parental benefit of 35 weeks paid over 12 months or the extended leave benefit over 18 months at a lower rate. In 2018, the Government of Canada announced a new EI Parental Sharing Benefit coming in 2019, which will provide additional weeks of benefits when parents share parental benefits;
  - The family caregiver benefit for children provides up to 35 weeks of benefits to any EI-eligible family member temporarily away from work to provide care or support to a critically ill or injured child;
  - The EI Family Supplement provides additional income support to low-income families with children while receiving any type of EI benefit.
86. Almost all PTs also provide financial assistance to families through child benefits. See table 2 in Annex 1 for details of provincial child benefits.
87. A variety of initiatives provide additional support for families, such as:
- In 2017, the Northwest Territories enhanced subsidies to better support low and modest income families;
  - In Newfoundland and British Columbia, child care subsidy programs offer increased subsidies to eligible parents and guardians to offset the cost of child care services.

#### **Counselling in child-rearing, including culturally appropriate assistance**

88. Community-based programs and various forms of assistance are available to assist parents and guardians across Canada to promote child health and wellbeing.
89. For example, most PTs offer or support parenting programs, such as:
- In Saskatchewan, Prince Edward Island, Manitoba, Alberta and Newfoundland and Labrador, the Triple P Positive Parenting Program, offers a range of interventions like promoting positive parenting strategies and providing more intensive services for higher risk/needs families;
  - Nunavut, along with its partners, developed a culturally relevant parenting support and intervention program. This program has three goals: revitalize the wisdom and practice of *inunnguiniq*, support health for participants and their families and increase the practice of *inunnguiniq* in communities, strengthening the roles of extended family and community in child rearing;
  - Pre-natal and post-natal assistance is provided in all PTs. For instance, in Nunavut, the Baby Bed program promotes early prenatal care, safe sleep environments and breastfeeding in an effort to reduce infant mortality. It also promotes a child's right to safety and supports maternal child health. The baby beds are also filled with products for baby and parents such as information kits and books;
  - Québec's 2015-2025 National Public Health Plan provides support services for parenting practices, starting from pregnancy, including information and public awareness, training for parents and the provision of integrated services in the perinatal and early childhood fields to support families in vulnerable situations.
90. Culturally-specific initiatives for Black Canadian and Indigenous parents are available in all PTs. For example:
- Newfoundland and Labrador supports Family Resource Centres (FRCs) in the parenting support and health promotion programs. These programs aim to reach vulnerable families with children and some also target vulnerable children. Some FRCs also specifically support Indigenous families;

- The Innovative Supports in Ontario for Black Parents Initiative provides funding for culturally-relevant and responsive parenting programs and centres for Black children and families.

### **Support for teenage parents**

91. In-school infant childcare, which allows teen parents to attend and finish high school, is available in some schools in Yukon, Manitoba and Newfoundland and Labrador. Alternative and/or distance learning opportunities to help teenage parents complete high school are available in Québec, Ontario, Nova Scotia, Prince Edward Island, Manitoba, Newfoundland and Labrador, and British Columbia.

92. Québec recognizes that pregnant students in Cégep or in University are considered autonomous from their 20th week of pregnancy, to avoid the contribution of their parents and to benefit from increased and additional financial assistance specifically for pregnant women. In the case of women who already have children, childcare costs are also considered. In both cases, women or single parents can choose to attend school full-time or part-time while benefiting from the same financial assistance. They also receive assistance during the summer even if they are not studying during this period.

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

#### **Follow-up information relating to paragraph 33 (a) of the concluding observations**

93. Canada recognizes that Indigenous and Black Canadian children are vastly overrepresented in the child welfare system. Addressing the root causes of this overrepresentation is a priority.

### **Out-of-Home Care**

94. For information on the Government of Canada's work on addressing issues for Indigenous children in care, consult paragraphs 25-29 of Canada's third UPR Report.

95. The Government of Canada is working to reform the First Nations Child and Family Services Program by working closely with First Nation communities, leaders, organizations, provincial governments and the Yukon government, First Nations child and family services agencies, and front-line service providers. The Government has committed to specific points of action, including: moving to a flexible funding model, shifting the programming focus to prevention and early intervention, supporting First Nations communities to exercise jurisdiction over child welfare services, and supporting Inuit and Métis Nation leadership to advance culturally-appropriate reform.

96. The Government of Canada has also made significant investments in 2018 to address funding pressures facing First Nations child and family service agencies, while also increasing prevention resources for communities so that children are safe and families can stay together.

97. Ontario, British Columbia and Québec have implemented strategies to build stronger bonds and improve services between service providers and communities to meet the needs and improve outcomes for Indigenous children, and enable First Nations, Métis and Inuit communities to have a holistic, culturally-based and community-driven approach to children and youth services.

98. Ontario has put in place various initiatives to enable Indigenous communities and service providers to have greater authority over child and family services. The Ontario Indigenous Children and Youth Strategy will build Indigenous perspectives and cultures into all programs and policies.

99. Numerous research is being done to better understand the overrepresentation of Indigenous children in care, such as:

- Yukon is cooperating with the Yukon Child and Youth Advocate to conduct an independent and systemic review of the Transitional Support Services program from 2015 to 2018;

- In 2017, Québec contributed to a study entitled *Trajectories of First Nations Youth Subject to the Youth Protection Act* of the First Nations of Québec and Labrador Health and Social Services Commission. Québec also announced a grant for the next stream of research.

100. Many PTs have implemented specific processes responding to the needs of Black Canadian children. For instance, Ontario supported the development and implementation of the *One Vision, One Voice* practice framework by the child welfare sector to address the overrepresentation of Black children in care. The practice framework provides tools to assist front-line child welfare staff in providing culturally-appropriate services to Black children and youth in Ontario, including those in care.

#### **Follow-up information relating to paragraph 56 of the concluding observations**

##### **Preventative measures to avoid out-of-home care**

101. PTs are taking preventive measures to support parents and guardians in their responsibilities and provide supports and *services* to mitigate identified risks and help maintain children with their families, notably:

- Newfoundland and Labrador offer behavior management services, parenting programs and counselling, or purchased services (e.g. counselling) when not offered within the government. Financial support is available to help families access services, including to cover transportation or babysitting costs;
- In some provinces, such as Québec, British Columbia and Nova Scotia, there are programs designed to work with families in crisis whose children are at high risk of removal and placement in out-of-home care if no other available means can ensure their safety and well-being, pursuant to applicable provincial legislation. For example, Québec's Crisis Intervention and Intensive Environmental Response Program consists of immediate crisis intervention and subsequent intensive family intervention over a maximum of 12 weeks. If needs are still present, the family is referred to the psychosocial services of the institution;
- Saskatchewan's Integrated Practice Strategies is a preventive approach that provides culturally appropriate services to increase a family's capacity to care for their children. The model promotes a strengths-based, culturally relevant approach that encourages group decision making, family-centred practice and early supports for families, children and caregivers.

102. Culturally-specific programs addressing the unique needs of Indigenous families have been implemented across most PTs. For instance, the Family Well-Being program in Ontario funds Indigenous partners to deliver prevention-focused, culturally-responsive supports to promote healthy communities. These supports help families to heal from the effects of intergenerational trauma, reduce violence, and address the over-representation of Indigenous children and youth in child welfare and youth justice systems by reducing the need to bring children into care.

##### **Improvements to decision-making on alternative care**

#### **Follow-up information relating to paragraph 56 (a) & (f) of the concluding observations**

103. In many provinces and territories, customary care is a culturally-appropriate placement option for Indigenous children in need of protection who cannot remain in the care of their parents. For example:

- Since 2012, Alberta requires staff and their supervisors to have third-person consultations when considering bringing a child into care or at other critical decision points. It requires that staff gather information about potential caregivers from intake and explore kinship care as a first option;
- Québec, Nova Scotia and British Columbia explore alternative placements with kin prior to bringing the child into government care. To achieve this, a broader range of

tools and options can be considered, which can include temporary kinship placements, permanent kinship placements or youth agreements;

- In most PTs where alternative types of arrangements are possible, financial and other supports are provided to kinship care homes to ensure that the identified needs of the child in their care are met;
- Québec passed legislation to modernize the adoption and guardianship law to better respond to the current realities of Quebecers, including those of Indigenous communities. This amendment clarifies that a child who is a member of an Indigenous community must be given, to the extent possible, a substitute living environment to preserve his or her cultural identity. In addition, Québec has planned measures to develop a training and support program for youth intervention and Indigenous families and to support the establishment of mechanisms for the handling of customary adoption files by the Indigenous community.

### **Equal access to health and education for vulnerable children and children in care**

#### **Follow-up information relating to paragraph 56(c) & 68(b) of the concluding observations**

104. Most jurisdictions have adopted additional measures tailored to the needs of vulnerable children, including children in care, so that they may have equal access to health care and education. Below are a few examples. Also refer to paragraphs 130-133 on support for the mental wellness of Indigenous communities. Refer to paragraphs 144-146 on support for the education of Indigenous communities.

- In Manitoba, guidelines entitled Supporting Transgender and Gender Diverse Students in Manitoba Schools seek to improve access to services for transgender, gender non-conforming, and non-binary populations, including children;
- Alberta's Indigenous Health Program partners with Indigenous peoples, communities and key stakeholders to provide accessible, culturally appropriate health services for First Nations, Métis and Inuit people in Alberta;
- In Newfoundland and Labrador, 23 outreach workers are employed to promote mental health and alcohol and drug use prevention and to work with Indigenous children in coastal communities;
- On Prince Edward Island, the Health Policy Planning Forum aims to improve health services for Mi'Kmaq communities, whose priorities include home care, mental health and addictions, healthy weights, oral health, primary care and e-health.

### **Support when leaving care**

#### **Follow-up information relating to paragraph 56 (e) of the concluding observations and**

105. Planning for release from government care must begin prior to the child reaching the age of majority. As such, many programs are in place in PTs to assist children to prepare. In Québec, prior to reaching 18 years of age, psychosocial workers and educators assess all the needs related to youth autonomy (for example, schooling, employment, housing, the social network and support, etc.). Clinical tools support this assessment, including the Pathways to Independence Plan.

106. Many PTs have measures in place to support children exiting government care to finish high school or pursue post-secondary education, including subsidies, financial assistance and free tuition. For example, in Ontario, supports to encourage children in and leaving care to pursue and complete post-secondary studies or vocational training include subsidies for tuition, reimbursement for application fees and a living grant.

107. Many PTs also offer support to children leaving care past the age of majority. For example, in Nova Scotia, support and services are provided on a voluntary basis to help children transition successfully to adulthood until the child has completed post-secondary

education or until they reach the age of 24. In Saskatchewan, transition planning for youth in care who will require adult disability services begin when a youth is 15 years old.

108. Refer to paragraph 80 of Canada's third UPR Report for additional information.

#### **Children of incarcerated mothers**

109. The governments of Canada, Nova Scotia, Newfoundland and Labrador, and British Columbia offer Mother-Child Programs that aims to foster positive relationships between incarcerated women offenders and their children. Residential components of these programs enable children to stay with their mothers on a part-time or full-time basis. Non-residential components offer other opportunities for women inmates to interact with their children.

110. The best interests of the child, namely the safety and security, as well as physical, emotional, and spiritual well-being of the child, are elements considered for participation in the Mother-Child Programs.

111. Mothers receive parenting courses and all correctional officers, supervisors and managers receive ongoing training to support mothers and babies.

#### **Illicit transfer and non-return**

112. Since 2012, Canada has declared its acceptance of the accession to the 1980 Convention on Civil Aspects of International Child Abduction of seven States (Albania, Andorra, Dominican Republic, Morocco, San Marino, Singapore and Ukraine).

113. Almost all PTs are signatories to the Provincial/Territorial Protocol on Children and Families Moving between Provinces and Territories, which provides guidance on the repatriation of children who have fled or were abducted if child protection concerns have been identified.

114. The representative of the Central Authority of Québec responsible for the application of the Hague Convention on the Civil Aspects of International Child Abduction provided a training on operation and prevention to lawyers in the field of international child abduction and family law, youth center workers, family mediators, police officers and investigators, Canada Border Services Agency hearing officers, and Immigration, Refugees and Citizenship Canada investigators.

### **Disability, Basic Health and Welfare**

#### **Children with disabilities**

115. Governments in Canada recognize the specific challenges facing children with disabilities and their families, and have programs in place to address these barriers.

#### **Follow-up information relating to paragraph 60 (a) of the concluding observations**

116. Statistics Canada, Canada's national statistical agency, created a new Centre for Gender, Diversity and Inclusion Statistics. The Centre's Data Hub supports evidence-based policy development and decision-making within the Government of Canada and externally. The Centre will work to address gaps in the availability of data disaggregated by sex and other intersecting identify factors, which includes age and disability, to enrich the understanding of social, economic, financial and environmental issues. For more information on GBA+ see paragraphs 14 and 55 of this report.

#### **Follow-up information relating to paragraph 60 (b) of the concluding observations**

117. Please refer to Canada's Response to the List of Issues to the Committee on the Rights of Persons with Disabilities paragraph 73 for information on measures in place for inclusive education of children with disabilities.

**Follow-up information relating to paragraph 60 (c) of the concluding observations**

118. The Government of Canada provides financial support to children with disabilities and their families to ensure that they can access the services they need. Examples include:

- Direct benefits to caregivers, such as the Canada Child Benefit and the Child Disability Benefit;
- Tax relief measures, such as the Disability Tax Credit, the Disability Tax Credit Supplement for Children with Disabilities, and the Medical Expense Tax Credit;
- Registered Disability Savings Plans, which support the long-term financial security of children with disabilities.

119. For additional information on FPT measures, please refer to Canada's Response to the List of Issues to the Committee on the Rights of Persons with Disabilities, paragraph 23.

**Health****Follow-up information relating to paragraph 64 of the concluding observations**

120. PT governments, with constitutional responsibility for health, have implemented several measures to promote healthy lifestyles, physical activity, and healthy eating; and create healthy food environments, whether in schools or in the community, some of which are aimed specifically at vulnerable children. For example:

- Schools in British Columbia, New Brunswick, Newfoundland and Labrador, Prince Edward Island and Alberta have policies and guidelines on food and nutrition that aim to promote healthy food choices and limit access to nutritionally poor foods in schools. New and long-standing partnerships are in place with community groups and between various government agencies to promote a healthy lifestyle, which generally includes such elements as health, wellness and nutrition;
- Many jurisdictions also fund community healthy living projects, such as the Yukon Youth Investment Fund, that provides short-term funding for community-driven initiatives. These projects support positive lifestyle choices by creating social or recreational activities for Yukoners under the age of 19 with fewer opportunities or who experience a form of discrimination.

121. The Government of Canada promotes healthy lifestyles, physical activity, and healthy eating. One example of an awareness-raising measure in community programs is the guidebook "Giving Preschoolers a Head Start on Nutrition: Your Guidebook for Providing Snacks and Lunches at Aboriginal Head Start On Reserve sites" released and disseminated to over 450 First Nations communities across Canada in 2013.

122. In 2016, the Government of Canada announced the Healthy Eating Strategy, which aims to improve the food environment so it is easier for Canadians, including children, to make healthier choices. It includes:

- A revised Canada's Food Guide;
- New regulatory restrictions on the commercial marketing of unhealthy foods and beverages to children under the age of 13;
- An expanded Nutrition North Canada program to increase access and availability to nutritious foods in isolated northern communities;
- Updated Nutrition Facts table and format changes to ingredients list on food labels;
- Front of package symbols to indicate that a product is high in sodium, sugars or saturated fat;
- A ban on industrial trans-fat and reduction in sodium in processed foods.

123. The federal *Cannabis Act* provides legal access to cannabis and controls and regulates its production, distribution and sale. The Act includes a number of safeguards aimed at keeping cannabis and its products out of the hands of children. In 2018, the Government also launched a public education campaign on cannabis, a key element of which is educating

Canadians, particularly children and youth, on the risks associated with consuming it. Notably, PT governments are responsible for governing the distribution, sale, compliance, licensing, and supervision of distribution and sales, while respecting minimum federal requirements.

### **Mental health**

#### **Follow-up information relating to paragraph 66 (a) of the concluding observations**

124. In November 2016, the Government of Canada released the Federal Framework for Suicide Prevention that focuses on raising public awareness and reducing stigma associated with suicide, disseminating information and data to help prevent suicide and promoting the use of research and evidence-based practices in prevention.

125. In August 2017, FPT Health Ministers agreed to a *Common Statement of Principles on Shared Health Priorities*, which outlines key priorities for federal investments in mental health and addictions, and home and community care. The Government of Canada will work with the PTs to ensure bilateral agreements reflects each jurisdiction's unique circumstances.

126. Work to improve early diagnosis is being done across Canada through innovative and proven methods, namely:

- New Brunswick's Action Plan for Mental Health sets out to improve mental health services for children and youth through an Integrated Service Delivery Model that addresses core service delivery needs of children;
- Since 2012, the Government of Canada has collaborated with the Hospital for Sick Children in Toronto to increase and strengthen knowledge and skills in the area of infant mental health promotion among different service providers, including in Indigenous communities;
- The Government of Canada is validating the Strengths and Difficulties Questionnaire and developing standards for this measure of positive and negative behaviours for Canadian children. Additionally, the Fetal Alcohol Syndrome Disorder Initiative has supported the development of diagnostic guidelines. An early and accurate diagnosis reduces the incidence of secondary disorders, including a high concurrent incidence of mental health issues.

127. Mental health services are available in schools in Canada, and work is being done to improve access and quality of care. For instance, Ontario's Mental Health ASSIST initiative is an implementation support team that helps all district school boards build their capacity to support the mental health and wellness of all students, including those with greater mental health challenges and addictions.

#### **Follow-up information relating to paragraph 66 (b) of the concluding observations**

128. Work is underway to monitor the use of psycho-stimulants among children, understand the root causes of behavioural problems and improve the accuracy of diagnoses. For example:

- Alberta's Children's Services Opioid Response Action Plan, initiated in 2017, requires that consent of either the Alberta Children's Services or Delegated First Nations Agency Regional Director is obtained before psycho-stimulants or medication that alters the mind, thought or behavior of the child can be administered. The Consent by a Director form requires a detailed explanation of the child's diagnoses, the efforts that have been taken to assist the child before the use of psychotropic medications, the date of the child's next follow-up physician appointment and specifics for monitoring;
- British Columbia continues to fund the Children's Health Policy Centre to conduct evidence reviews on the best treatment options for children mental health disorders, including those associated with psycho-stimulant use. The evidence review was published in 2017 and included information on diagnosis, effective prevention

programs, as well as behavioural and psychological interventions. The findings have been shared with mental health providers via publications and webinar training.

### **Mental Wellness in Indigenous Communities**

129. The Government of Canada provides yearly funding to support the mental wellness needs of First Nations and Inuit communities, including mental health promotion, addictions and suicide prevention, crisis response services, treatment and after-care, and supports for eligible former students of Indian Residential Schools and their families. This includes funding for the National Aboriginal Youth Suicide Prevention Strategy, which supports community-based suicide prevention projects in First Nations and Inuit communities across Canada.

130. The Government of Canada is also responding to the distinct mental wellness needs and high suicide rates of Indigenous youth by increasing their access to mental health services. Information on these efforts can be found at paragraphs 32-34 of Canada's third UPR Report.

131. In alignment with the Ontario Indigenous Children and Youth Strategy, Ontario is making new investments in Indigenous youth life promotion and suicide prevention initiatives such as land-based and cultural programming and prevention supports, Indigenous mental health and addictions workers, and supports for students in First Nations schools.

132. Manitoba's Youth Suicide Prevention Strategy outreach continues to take place in some First Nations and Indigenous communities (particularly remote northern communities) to support mental health promotion, suicide prevention and child and adolescent mental health consultation and services.

## **Standard of living**

### **Follow-up information relating to paragraph 68 of the concluding observations**

#### **Poverty Reduction**

133. The Government of Canada released its federal Poverty Reduction Strategy in August 2018, consistent with measures put in place by PTs. The Strategy establishes Canada's first Official Poverty Line, sets ambitious poverty reduction targets and establishes an Advisory Council to report annually on progress. In addition, the Strategy will improve poverty measurement in Canada by addressing data gaps and by introducing a new dashboard of indicators to track progress on the many aspects of poverty.

134. Provinces and territories have or are in the process of developing poverty reduction strategies or action plans, notably:

- In addition to encouraging government agencies and communities to work collaboratively to deliver effective services, the Saskatchewan Poverty Reduction Strategy focuses on six key areas for action: income security; housing and homelessness; early childhood development and childcare; education, skills training and employment; health and food security and vulnerable families and individuals;
- Québec's 2017-2023 Government Action Plan to Foster Economic Inclusion and Social Participation has four areas of intervention: to increase the income of people in poverty, to invest to improve social housing, to promote the social participation of low-income individuals and families, and to mobilize communities and improve the effectiveness of government action in the fight against poverty and social exclusion through research and evaluation.

#### **Access to Housing**

135. Canada released its first National Housing Strategy in 2017. It is a 10-year plan that will help more Canadians access housing that meets their needs and that they can afford. The Strategy prioritizes women and children fleeing domestic violence, which builds on

additional funding provided in 2016 for the construction and renovation of shelter spaces and transition houses for survivors of family violence.

136. As housing is a partnership between FPT governments, the National Housing Strategy includes a new multilateral framework that was co-developed with PTs<sup>2</sup>, which asserts a shared vision for housing and sets the foundation for bilateral agreements on the delivery of the Strategy's key initiatives. For more information on the Strategy, see paragraph 215 from the Common Core Document of Canada.

137. Improving Indigenous housing is a priority for the National Housing Strategy. In addition to the NHS, the Government of Canada is co-developing distinctions-based housing strategies that will improve socio-economic for First Nations, Inuit and Métis Nation communities.

138. Almost all PTs have or are in the process of developing a housing action plan or strategy, which include specific measures to address the needs of children. For example:

- Alberta released Supporting Health and Successful Transitions to Adulthood: A Plan to Prevent and Reduce Youth Homelessness (the Youth Plan) in 2015. The Youth Plan defines youth as those aged 13-24 and outlines four goals including the prevention of youth homelessness;
- In the Yukon, private contracting companies, First Nations and First Nations' development corporations that are project-ready are eligible for loans to build affordable housing. Under this program, developers have access to construction financing should they be unable to obtain financing from traditional lending institutions, such as banks;
- In Manitoba, Rent Assist is a shelter benefit for low income Manitobans who rent accommodations in the private market and receive a benefit based on their income and 75% of median market rent for the size of the family. Rent Assist was established in 2014 to ensure families have safe and affordable housing options;
- A Housing Strategy for Nova Scotia was released in 2013. Highlights of the 10-year strategy include initiatives such as increased funding over 10 year to support new and enhanced affordable housing projects and programs, and helping chronically homeless individuals move off the street and providing them with the supports they need to transition toward independence.

139. The Government of Canada's Homelessness Partnering Strategy has targeted funding for families and individuals who are at imminent risk of or experiencing homelessness. The Strategy has funded projects that provide housing support services, early intervention and skills development programs for youth, as well as housing support, emergency shelters, social and community integration and basic needs services for women and children fleeing violence.

## **Food Security**

140. Food security is being addressed through a number of initiatives by PT governments, including:

- Nunavut's Food Security Strategy and Action plan proposes incentives for a return to traditional hunting and an exploration of sea product exports to address food insecurity;
- Prince Edward Island has doubled funding for their school breakfast program;
- In Québec, the Food Security Reference Framework specifies the importance of working on the determinants of food security, including socio-economic conditions. Additionally, funding is provided to reduce food insecurity (e.g. financing of food banks used, among others, by families with children).

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<sup>2</sup> The Framework was endorsed by all PTs, with the exception of Québec. While it shares many of the objectives sought by other governments, Québec intends to fully exercise its own responsibilities and control over the planning, organization and management of housing on its territory.

### **Access to Clean Drinking Water**

141. Canada acknowledges and regrets the high numbers of Indigenous children that lack access to sustainably safe drinking water. The Government of Canada has adopted a strategy that aims to eliminate all long-term drinking water advisories affecting public water systems in First Nations communities financially supported by the Government of Canada by March 2021. The Government of Canada provides support to First Nations communities in establishing drinking water quality monitoring services, and guidance and recommendations related to water safety.

142. For information on other measures aimed at improving the accessibility and quality of services offered to children belonging to minority groups, see paragraphs 25-29 and 32-34 of Canada's third UPR Report.

## **Education, Leisure and Cultural Activities**

### **Education**

143. The organization, delivery and evaluation of early childhood education into adulthood in Canada is the responsibility of the PTs. Ministers of education sit on the Council of Ministers of Education of Canada (CMEC) to discuss policy issues in education and undertake pan-Canadian initiatives.

144. Ministers of Education recognize that greater educational success will enable First Nation, Métis, and Inuit people to be active participants in their communities, strengthen their attachment to the labour force, and enable them to be better prepared for an increasingly knowledge-based economy.

145. Ministers of Education, in consultation with Indigenous education organizations, continue to work with faculties of education, school boards, and teachers' colleges to move forward on the training of Indigenous teachers and facilitate the inclusion of Indigenous culture and history in teacher-education programs. The 2018 CMEC Symposium on Indigenizing Teacher Education gathered participants from the education sector, along with Elders and students, to share their perspectives on how Indigenization of the classroom can occur. The participants discussed:

- Exploring innovative work in teaching language, culture, and identity;
- Examining Indigenous perspectives on student well-being, including mental health and wellness;
- Incorporating Indigenous ways of knowing into the curriculum; and
- Creating respectful partnerships.

### **Follow-up information relating to paragraph 70 (b) of the concluding observations**

146. PTs are working collaboratively with communities to reduce the dropout rates of Indigenous and Black Canadian children. Examples include:

- In its Government Action Plan for the Social and Cultural Development of the First Nations and Inuit, Québec has established measures to develop initiatives and projects aimed at the success and perseverance of Indigenous students, to improve the use of resources to support Indigenous students and parents and to make available children's literature in Indigenous languages;
- The Elders in Schools Program in Northwest Territories ensures that Elders are included in every school to help make the school representative of the community it serves and to help students develop a sense of belonging;
- In 2017, Ontario implemented a targeted, community-based approach to increase access to culturally-focused supports and opportunities for Black children, youth and their families to address disparities, including supporting access to higher education and skills development.

147. Additional information on initiatives aimed at Indigenous children can be found in Canada's third UPR Report paragraphs 23, 26, 71, 73, and recommendation 128.72 of Annex 1 to that report.

148. Initiatives aimed at other vulnerable populations include:

- In Manitoba, there are new interdepartmental protocols to improve coordination across systems for children with complex, multi-system needs;
- In Newfoundland and Labrador, Positive Actions for Student Success is an initiative targeting high school students who left school without graduating and/or are at risk of doing so. A Student Success Teacher will support students through credit rescue, credit recovery or new course registration. Timelines and instructional settings are more flexible than the regular classroom.

#### **Follow-up information relating to paragraph 70 (c) of the concluding observations**

149. Measures to prevent and avoid suspension, prevent reassignment and the referral of children to police as a disciplinary procedure are in place in New Brunswick, Newfoundland and Labrador, Nova Scotia, Manitoba and Ontario. Notably:

- New Brunswick's policy on Positive Learning and Working Environment provides an overview of behaviours acceptable in the school environment. It applies to all children, with specific mention of LBGTQ+ as a vulnerable population, as well as personnel, and addresses bullying and cyberbullying;
- Ontario's Supporting Bias-Free Progressive Discipline in Schools Resource Guide, developed with the Ontario Human Rights Commission, and was established in 2013. It outlines how system leaders should take mitigating and other factors (such as the student's age, history, how the suspension or expulsion would affect the student's ongoing education, etc.) into consideration at all points along the continuum of progressive discipline. The Resource Guide was developed in part to reduce the number of suspensions and expulsions among racialized students.

#### **Follow-up information relating to paragraph 70 (d) of the concluding observations**

150. Please refer to Canada's Response to the List of Issues to the Committee on the Rights of Persons with Disabilities paragraph 73 for information on measures in place for inclusive education of children with disability.

#### **Follow-up information relating to paragraph 70 (e) of the concluding observations**

151. All governments have enhanced their measures to combat bullying since 2012. For example, the Government of Canada's National Crime Prevention Strategy (NCPS) is supporting the development of school-based projects that provide support for those who suffer bullying in their schools and communities, as well as outreach to those who engage in bullying. Additionally, the Government of Canada has proposed a new investment for the NCPS to further enhance and develop preventative bullying and cyberbullying initiatives.

152. Québec's 2015-2018 Concerted Action Plan to Prevent and Counter Bullying: Together Against Bullying, A Shared Responsibility involves 16 government departments and agencies address various forms of violence or abuse, including discrimination.

153. Saskatchewan's 2013 Action Plan to Address Bullying and Cyberbullying includes initiatives that support mental health for Saskatchewan students.

### **Early Childhood Education and Care**

#### **Follow-up information relating to paragraph 72 of the concluding observations**

154. In June 2017, Federal-Provincial-Territorial (F-P/T) Ministers Responsible for Early Learning and Child Care announced an agreement on a Multilateral Early Learning and Child

Care Framework<sup>3</sup> to make enhancements to provincial and territorial early learning and child care systems.

155. The co-developed Indigenous Early Learning and Child Care Framework, jointly released by the Government of Canada and Indigenous partners in September 2018, complements the Multilateral Framework by strengthening early learning and child care programs and services for Indigenous children and families starting in 2018-2019. It reflects the unique cultures and needs of First Nations, Inuit and Métis children across Canada.

156. Efforts to ease the financial burden and increase accessibility of high quality childcare have been also undertaken across provinces and territories. These include free or very low cost childcare for low income families, subsidized day care, new or improved tax credits, and increases in the number of licensed spaces. For example:

- The implementation of Junior Kindergarten across the Northwest Territories has provided parents of 4 year old children with an option to access high quality early learning programs. Also, changes in the Early Childhood Program funding model take into account special needs spaces to offset higher care costs;
- Ontario released the Renewed Early Years and Childcare Policy Framework, which supports increased access to the full continuum of early years and childcare programs and services for children aged 0-12. It sets a renewed vision and seven key areas of action, including increasing access to early years and childcare programs and services and a commitment to help 100,000 more children aged 0-4 access licensed childcare;
- British Columbia has introduced a child care fee reduction initiative to decrease the cost of child care for parents.

157. Improvement to childcare is also being done through training of childcare workers and improvement of working conditions, notably:

- Yukon allocates yearly funding for an annual two-day professional development event to provide an opportunity for early childhood educators to share best practices and access training and professional development opportunities;
- In Nova Scotia, childcare workers must obtain a classification based on their level of education and experience. Regulations were changed to allow experience and other education to be given equal weight with early childhood education degrees and diplomas;
- Québec's Strategy for children from birth to age 8, "It's all about the children", launched in January 2018, as well as its Act to improve the education quality and foster the harmonious development of educational childcare services, adopted in December 2017, will enable new measures to be implemented that will improve the quality of education.

## Special Protection Measures

### Asylum-seeking and refugee children

158. Canada remains committed to providing protection to refugees, and takes concrete measures to ensure that child refugee claimants have appropriate care and protection when they arrive in Canada. Child protection measures include assigning a designated representative to assist the child in asylum proceedings, priority processing of claims, and notification of child protection authorities when there is any suspected risk to the welfare of a minor, or if a minor is unaccompanied. The Interim Federal Health Program provides limited, temporary coverage of health-care benefits for eligible beneficiaries, including child refugee claimants.

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<sup>3</sup> While the Government of Québec supports the general principles of the Early Childhood Development Initiative and the Early Learning and Child Care Initiative, it did not adhere to this framework because it intends to preserve its sole responsibility on social matters.

**Follow-up information relating to paragraph 74 (a) of the concluding observations**

159. Canada is committed to keeping minors out of immigration detention as much as possible, and to keeping families together. Detention is always used as a last resort, in extremely limited circumstances, for as short a time as possible, and only after appropriate alternatives are determined to be unsuitable or unavailable. A Ministerial Directive issued in November 2017 makes clear that the best interests of the child must be a primary consideration. The National Directive for the Detention or Housing of Minors was released simultaneously to guide border officers in making detention decisions to achieve better and consistent outcomes for minors.

**Follow-up information relating to paragraph 74 (d) of the concluding observations and paragraph 13 of the concluding observations on the Optional protocol**  
**CRC/C/OPAC/CAN/CO/1**

160. The Government of Canada has been working to improve efficiency in immigration and refugee processes involving children. For example, the Immigration and Refugee Board prioritizes refugee claims and detention review hearings involving unaccompanied minors.

161. Canada's Settlement Program facilitates the integration of refugees and immigrants. This includes funding initiatives and resources that support vulnerable newcomers, such as The Resilience Guide: Strategies for Responding to Trauma in Refugee Children, which provides information and resources to help childcare providers understand the effects of trauma and resettlement, along with strategies to strengthen families' capacity for resilience.

## **Children in armed conflict**

**Follow-up information relating to paragraph 76 of the concluding observations and 12 & 16 of the concluding observations on the Optional protocol**  
**(CRC/C/OPAC/CAN/CO/1)**

162. The minimum age of enlistment in the Canadian Armed Forces (CAF) Regular Force continues to be 17 years old, and it is possible to enlist in certain training programs and in the Reserve Forces beginning at age 16 with parental consent. These ages of enrolment have been deemed appropriate based on the ages at which Canadian students generally complete secondary school and may be in a position to consider a career or to continue with post-secondary education available through the military. Canadian law prohibits the CAF from deploying a person under the age of 18 years into a theatre of hostilities. Refer to Annex 1 for more information.

163. Recruiting and retaining under-represented populations within the CAF, including women, Indigenous people, and members of visible minorities is a priority. In recruiting, emphasis is put on ensuring that potential recruits have all the information needed to make fully informed choices prior to enlisting. This includes providing opportunities to certain under-represented groups to discover the work of the CAF without undue commitment. To illustrate, the Aboriginal Leadership Opportunities Year is an educational and leadership experience through the Royal Military College, in which Indigenous youth aged 16 or above who have completed high school can participate in special learning plans and follow pre-university and first year university programs.

164. The Government of Canada has been taking steps to end the recruitment and use of child soldiers abroad, and mitigate the impact of conflict on children. For example, in 2017 Canada led in the development of the Vancouver Principles on Peacekeeping and the Prevention of the Recruitment and Use of Child Soldiers, a set of political commitments regarding the prevention of the recruitment and use of child soldiers, with a focus on the peacekeeping context. As of January 2018, the Principles have been endorsed by 66 United Nations Member States.

**Follow-up information relating to paragraph 12 of the concluding observations on the Optional protocol (CRCC/OPAC/CAN/CO/1)**

165. In 2017, the CAF developed a Joint Doctrine Note (JDN) on Child Soldiers on how to "...address and mitigate the broad challenges posed by the presence of child soldiers in areas where the CAF undertakes missions." The JDN stipulates that any child soldier (under the age of 18 years) detained by the CAF requires special handling given their status, including holding child soldiers separately from adult detainees and handing them over to an appropriate, mandated, independent civilian process capable of addressing their particular needs, with a strong focus on rehabilitation and reintegration.

**Economic exploitation, including child labour****Follow-up information relating to paragraph 80 (a) of the concluding observations**

166. All provinces and territories have set compulsory education to a minimum of at least 16 years of age. The minimum age for employment in Canada is de facto 16 years old, because children are not entitled to leave school to join the workforce fulltime before reaching that age.

**Follow-up information relating to paragraph 80 (d) of the concluding observations**

167. In 2016, Canada ratified *ILO Convention 138 concerning the Minimum Age for Admission to Employment*. It entered into force in June 2017.

**Sale, trafficking and abduction****Follow-up information relating to paragraph 82 of the concluding observations and 13, 15, 21, 27, 33, 35 of the concluding observations on the Optional protocol (CRC/C/OPSC/CAN/CO/1)**

168. FPT governments continue to prevent, protect, prosecute, and build partnerships to address human trafficking, including the trafficking of children.

169. New legislative measures include:

- Manitoba's 2013 *Missing Persons Act* widens the scope of police investigatory powers to access information that may assist in locating missing persons more quickly and effectively. Since 2012, the *Child Sexual Exploitation and Human Trafficking Act* also provides victims with the ability to seek civil remedies and to have protection orders put in place;
- In 2017, Ontario enacted the *Prevention of and Remedies for Human Trafficking Act* and the *Human Trafficking Awareness Day Act*.

170. Emphasis has been placed on increased coordination and cooperation. For example:

- The creation of the Human Trafficking Taskforce in 2016 allows for overseeing the implementation of anti-human trafficking measures and coordinates the anti-trafficking response at the federal level. The Task Force includes an FPT committee to ensure enhanced information sharing;
- In 2016, the Financial Transactions and Reports Analysis Centre collaborated with Canada's major financial institutions to establish Project PROTECT. Through this initiative, financial institutions have committed to making the tracking of money laundering associated with human trafficking for sexual exploitation a priority of their compliance regimes;
- In 2016, Manitoba helped fund a meeting among fifty stakeholder groups from Manitoba and North Dakota to discuss collaboration between jurisdictions to combat human trafficking. Participants discussed intelligence gathering, enforcement procedures, information sharing and victim services with a view to developing an international agreement between the United States (North Dakota) and Canada (Manitoba) in responding to victims of human trafficking;

- Ontario is working to implement its Strategy to End Human Trafficking, including by establishing a Provincial Anti-Human Trafficking Coordination Office.

171. Training has been provided to increase capacity and skills in addressing issues of human trafficking. For example:

- The development and dissemination to law enforcement officials and criminal justice practitioners of the Handbook for Criminal Justice Practitioners on Trafficking in Persons, in 2015, promoting a consistent criminal justice response to this crime. The handbook also presents an overview of victim services in Canada, including those for children specifically;
- The Government of Canada offered a national training session for law enforcement on the *Criminal Code*'s trafficking in persons and sex trade offences. It also developed six fact sheets aimed at providing guidance in the investigation and prosecution of human trafficking cases;
- In 2017, the New Brunswick Working Group on Human Trafficking released an information guide on the how to recognize, support, protect, and assist persons who may be trafficked. The group is working toward the development of a provincial strategy on human trafficking.

172. Canada acknowledges the importance of providing and enhancing support to victims of human trafficking, including children. Consequently, additional measures were implemented across Canada. For example:

- In British Columbia, the *Office to Combat Trafficking in Persons* assists trafficked persons and provides advice and support to communities and agencies, as well as online training;
- A multilingual, confidential phone line in British Columbia, VictimLinkBC, provides information and referral services to all victims of crime and immediate crisis support to victims of family and sexual violence, including victims of human trafficking exploited for labour or sexual services;
- A Sexual Violence Police Advisory Committee created in 2015 in Alberta seeks to identify the needs and challenges of provincial police services in responding to adult sexual violence to enhance the response to victims, families and offenders;
- Manitoba's StreetReach Team is a child-focused initiative in which representatives from different disciplines work together to serve the needs of missing children who have been abused through sexual exploitation or sex trafficking;
- Tracia's Trust, Manitoba's Strategy Responding to Children and Youth at Risk of, or Survivors of, Sexual Exploitation and Human Trafficking is a multi-sector strategy that supports initiatives to prevent and intervene in the sexual exploitation and sex trafficking in Manitoba;
- The Government of Canada is supporting the establishment of a national human trafficking hotline, which will include an online portal and a referral mechanism to social services and law enforcement.

173. Leading examples of awareness-raising measures on human trafficking and sexual exploitation include:

- Manitoba, Ontario and the Government of Canada have enacted a Human Trafficking Awareness Day;
- In 2016, the Government of Canada provided funding to support a circle of 12 Anishinabek Grandmothers/Elders from Manitoulin Island to form an action alliance designed to understand the nature of human trafficking in their communities, and how to prevent it. In addition, they entered into a partnership with the National Association of Friendship Centres for the development of a national awareness campaign on domestic sex trafficking on- and off-reserve;
- Nova Scotia's Inter-Agency Group on Human Trafficking (a collaboration of NGOs, immigrant serving agencies, social service providers, healthcare workers, law and

enforcement agencies and government agencies) raise awareness and coordinate services to victims of trafficking;

- In 2012, the RCMP launched a campaign, containing a variety of educational and awareness raising materials for children, parents, and teachers, developed in collaboration with youth groups, victim service providers, and law enforcement.

174. Further information on measures to prevent, protect, prosecute and build partnerships to combat trafficking of children can be found at recommendations 128.107-128.111 of Annex 1 to Canada's third UPR Report.

## **Administration of juvenile justice**

### **Follow-up information relating to paragraph 86 (c) of the concluding observations**

175. In 2012, the pre-trial detention provisions of the YCJA were amended to emphasize that it is to be used only as a last resort. A new standalone and stringent test for pre-trial detention of youth is included in the YCJA, whereby a court may detain a youth only if several criteria are met. It also requires the judge to inquire as to the availability of a responsible adult who would be willing to take care of the young person as an alternative to pre-trial detention. The onus is always on the prosecutor to demonstrate why detention is necessary. The YCJA also provides that under no circumstances is pre-trial detention to be used as a substitute for child protection, mental health or other social measures.

176. The YCJA contains a statement of purpose and principles of youth sentencing. The Act provides many different sentencing options to deal with the full range of youth crime, including a broad range of community-based sentencing options, and clear restrictions on the use of custodial sentences. Custodial sentences are intended to be reserved primarily for violent offenders and serious repeat offenders. Before a court can impose a custodial sentence, it must consider all reasonable alternatives to custody for all youth, with particular attention to the circumstances of Indigenous youth. In exceptional cases, a judge may decide to sentence a young person aged 14 or older as an adult, in which case the adult sentencing provisions apply. An adult sentence can only be imposed if the prosecutor rebuts the young person's constitutionally-protected presumption of diminished moral blameworthiness, and proves that a youth sentence would not be sufficient to hold the young person accountable in the circumstances.

177. Most PTs use a range of pre-charge and post-charge extrajudicial measures and post-charge extrajudicial sanctions. For example:

- The Québec model is characterized by the fact that young offenders in Québec are supported by institutions offering rehabilitation services for young people with social adjustment challenges, rooted in a unique intervention model adapted to the specific needs of young offenders. Québec has a program of extrajudicial sanctions under the federal law. This program is an alternative to judicial proceedings and is based on an approach focused on the rehabilitation and social reintegration of young people;
- In Yukon, the Restorative Community Conference program provides an opportunity for a child who has been accused of an offence to meet with the people affected by his or her behaviour in a facilitated process that addresses: what is the harm, how can the harm be repaired and who is responsible for repairing the harm;
- Ontario administers local Youth Justice Committees, who provide programming that addresses the young person's offending behavior through the imposition of individually tailored meaningful consequences. In appropriate cases, young persons will make restitution or reconcile with the victims, without the necessity of formal judicial proceedings or sentencing.

178. While Youth Court proceedings take place in open court, the YCJA generally prohibits the publication of information that would identify a child who is dealt with under the Act or who is a victim or witness of an offence committed by or alleged to have been committed by a child.

### **Follow-up information relating to paragraph 86 of the concluding observations**

179. PT governments acknowledge that measures must be taken to protect the rights of vulnerable groups of children involved in the juvenile justice system. Examples include:

- The Northwest Territories' *Youth Justice Act*, which established a regime for dealing with young offenders charged with territorial and municipal offences, offers protections, rights and processes different than those for adult offenders to safeguard the interests of youth and to facilitate informed participation of parents;
- In Prince Edward Island, Community and Correctional Services developed and began providing training in 2015 on working with youth who identify as Lesbian, Gay, Bisexual, Transgender, and or Questioning, recognizing higher risks of experiencing social problems, with the goal of providing a safe environment.

180. In addition, FPT governments recognize the importance of measures and programs to help preserve the identity and culture of Indigenous children involved in the youth criminal justice system. For example:

- Indigenous youth who are incarcerated in the Northwest Territories are provided opportunities to participate in cultural activities that are closely associated with the seasons, including harvesting traditional foods, working with furs and making snowshoes. These activities are facilitated by a local Elder in partnership with the facility's education program;
- Nova Scotia offers spiritual and cultural programming for youth offenders, which includes smudging and sweat lodges ceremonies, cultural demonstrations, and education programs and courses;
- The Positive Adolescent Sexuality Support Program (Ma Mawi Wi Chi Itata) is a youth-specific program in Manitoba that offers life skills information-based programs that explore a range of topics from an Indigenous perspective. Subjects include: sexuality, healthy relationships, interpersonal communication and healthy lifestyles, sexual exploitation, and trafficking.

### **Follow-up information relating to paragraph 86 (d) of the concluding observations**

181. Policies and training are in place for the use of non-violent intervention techniques by correctional staff dealing with children across all Canadian governments.

182. Under strict legislative and policy criteria governing the use of both physical and mechanical restraints, in extreme cases and when deemed absolutely necessary, corrections staff have the option to use restraints or remand using equipment such as hand or leg cuffs in British Columbia, Ontario, Manitoba, Newfoundland and Labrador, Northwest Territories and Prince Edward Island. Whenever circumstances permit, staff use alternatives such as - verbal and non-verbal defusing techniques, warning or cautioning the child, delaying tactics, calling for assistance, and strategic withdrawal and containment.

### **Follow-up information relating to paragraph 86 (e) & 33 (a) of the concluding observations**

183. All governments recognize the importance of addressing the overrepresentation of Indigenous, Black Canadian and visible minority children in the youth criminal justice system, and various strategies are in place to counteract it. These measures include legislation, culturally appropriate programming, and continuing efforts to address socio-economic disadvantage.

184. Many of the necessary interventions to address overrepresentation fall within PT jurisdiction. For example:

- Indigenous children offenders can request "Gladue reports", which outlines their background/history; any contributing factors that resulted in them engaging in unlawful activity, including systemic factors; and appropriate sanctions, including non-custodial options;

- New Brunswick's Extrajudicial Sanctions Program and its Crime Prevention and Reduction Strategy help address overrepresentation of vulnerable groups of children, by providing alternatives to the traditional criminal justice system through the use of police-based extrajudicial measures and a redesign of extrajudicial sanctions;
  - The Ontario Crown Prosecution Manual contains Directives regarding youth criminal justice. In determining if extrajudicial sanctions are an appropriate measure to hold an accused young person accountable, prosecutors must consider factors related to the background of the young person, including whether the young person comes from a disadvantaged group and whether the young person self-identifies as Indigenous;
  - Ontario funds 46 community-based programs for Indigenous youth in, or at risk of, conflict with the law, including prevention, diversion, alternative sentencing, and reintegration programs, in partnership with Indigenous service providers. Ontario also funds cultural competency and awareness training to youth justice staff.
185. Federal level examples of measures taken include:
- In March 2017, the Government of Canada held a National Roundtable Meeting on the overrepresentation of Indigenous youth in the Criminal Justice System, where individuals with expertise in youth justice and Indigenous justice shared ideas about root factors and possible solutions;
  - Justice reforms introduced in 2018 propose to incorporate a principle of restraint and require that particular attention be given to the circumstances of Indigenous accused and accused from vulnerable populations when making interim release decisions;
  - The National Crime Prevention Strategy, in partnership with PTs, community organizations and stakeholders, implements evidence-based crime prevention projects. It targets Indigenous and African-Canadian children by addressing risk factors that have been linked to future offending such as exposure to family violence and parental conflict;
  - The federal Government supports programs that provide a range of youth justice services, (e.g., rehabilitation and reintegration), some of which respond to the needs of Indigenous youth, thus contributing to reduce their overrepresentation in the justice system;
  - The Indigenous Courtwork Program helps Indigenous people involved in the criminal justice system obtain fair, equitable and culturally relevant treatment. In 2016 - 2017, 190 Courtworkers served 75,000 Indigenous people, including 7,607 youth, in 435 communities. Services include information on charges, court procedures, rights and responsibilities, bail, diversion, restorative justice and Indigenous community justice alternatives;
  - The Government of Canada also funds programs that include training on the preparation of Gladue reports and outreach activities on Gladue principles.

#### **Follow-up information relating to paragraph 86 (f) of the concluding observations**

186. A variety of models are in place in PTs to ensure that girls are protected from risks of sexual violence and exploitation in correctional facilities. For example:

- In British Columbia and New Brunswick, facilities rely only on female correctional officers to guard female detainees. Female youth offenders are housed in separate units that are staffed by female officers. In Manitoba, female youth who are on suicide watch after midnight are supervised by female staff only. In Northwest Territories, whenever a girl is incarcerated, policies and protocols are in place to ensure that girls are only monitored by female staff;
- In Nova Scotia, a male employee may be assigned duties in a unit of a youth correctional facility that is used to house female offenders during routine rounds and inspections and during a use of force or an emergency situation, and only if a female employee is always present. Similarly in Manitoba, after bedtime hours all male Juvenile Counsellors are paired with another Juvenile Counsellor, and are actively

viewed via CCTV camera (male staff are not posted by themselves in a female living unit) ;

- In Ontario, custody and detention services for female youth are provided either within gender-dedicated facilities, in geographic areas where there are sufficient numbers to support a dedicated facility, or in a facility which is co-located with male youth. The co-located approach provides living accommodations that are separate and apart from that of the male youth, as well as dedicated programming space for female youth.

## **Cooperation with regional and international organizations**

### **Follow-up information relating to paragraph 88 of the concluding observations**

187. In May 2017, Canada signed the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance and the Hague Convention of 19 October 1996 on Jurisdiction, Applicable law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children.

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