



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

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Consideration of reports of States parties

### Replies of Canada to the list of issues in relation to its combined fifth and sixth periodic reports\*, \*\*

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\* The present document is being issued without formal editing.

\*\* The annexes to the present document may be accessed from the web page of the Committee.



## Introduction

1. This response to the List of Issues (LOI) in relation to the combined fifth and sixth periodic report (Periodic Report) of Canada on the United Nations *Convention on the Rights of the Child* (CRC) was prepared collaboratively by federal, provincial and territorial (FPT) governments.
2. Any reference to “the Government of Canada (GC)” is a reference to the Canadian federal government, while a reference to “Canada” is generally a reference to the FPT governments combined. Any reference to a province or territory is a reference to its government. Any reference to “Indigenous peoples” is a reference to “First Nations, Inuit and Métis peoples” unless specified.
3. Given the mandatory word limit, and the substantial number of questions in the LOI, the measures highlighted are not exhaustive.
4. The GC recognizes that further action is required to enhance respect for the rights of all children and youth, particularly those facing systemic barriers, and especially for Indigenous children, youth and communities as they continue to respond to and heal from the intergenerational trauma of residential schools.

## Part one

### **Reply to paragraph 2 (a) of the list of issues in relation to the combined fifth and sixth reports of Canada (CRC/C/CAN/Q/5-6)**

5. Since March 2020, COVID-19 public health measures including school closures and restrictions on social gatherings and businesses have negatively impacted children’s well-being. In particular, children have experienced mental and physical health impacts, limited physical activity and play, and reduced access to social, medical, and other services. Certain groups of children have experienced these impacts disproportionately, including children from lower socio-economic households, racialized children and Indigenous children. To respond to these challenges, Canada adopted a comprehensive range of measures that protect children’s rights.
6. Canada made significant investments in education to adapt learning spaces to comply with public health requirements, to support the use of technologies and for additional staffing, including in Indigenous communities. Canada also prioritized in-person education for children with special needs for whom online learning would be particularly challenging.
7. Canada increased mental health supports for children and families, and access to counselling services and crisis lines; and endeavoured to keep other key services for children, including childcare services, operating where possible.
8. The GC introduced income support measures for eligible Canadian workers unable to work due to COVID-19, which indirectly benefited children. These included temporary changes to the Employment Insurance program, as well as three temporary benefits: the Canada Recovery Benefit, the Canada Recovery Sickness Benefit, and the Canada Recovery Caregiving Benefit. It also provided additional temporary support for families receiving the Canada Child Benefit to mitigate the financial impact of the pandemic. Provinces and territories (PTs) adopted complementary benefits to further support persons not eligible for federal benefits and/or provided direct funding to parents to help mitigate costs of online schooling and childcare.
9. Further specific COVID-19 FPT measures to mitigate the impact of the pandemic on children can be found in Annex 1.

### **Reply to paragraph 2 (b) of the list of issues**

10. The GC is currently consulting with PTs, following which Canada will reassess the necessity of maintaining its reservation under Article 37(c).

**Reply to paragraph 2 (d) of the list of issues**

11. Canada's federal framework does not allow for the adoption of "national laws" of the sort previously recommended by the Committee. In follow up to paragraph 11 of Canada's Periodic Report, in November 2020, FPT Ministers formalized the Forum of Ministers on Human Rights, which will meet every two years, to share information and give direction to the Senior Officials Committee Responsible for Human Rights and the Continuing Committee of Officials on Human Rights. These committees are responsible for consultation and collaboration on the accession to and implementation of international human rights treaties in Canada. Ministers also endorsed a Protocol for Follow-up to Recommendations from International Human Rights Bodies and an Engagement Strategy on Canada's International Human Rights Reporting Process.

12. For examples of national action plans and strategies that help achieve consistent implementation of the CRC, see responses to Questions 3(A) and 16(C) and paragraphs 7 to 11 of Canada's Periodic Report.

**Reply to paragraph 3 (a) of the list of issues**

13. The GC has adopted national strategies that support children's rights. The *National Strategy to Combat Human Trafficking 2019-2024* enhances supports for victims and survivors of human trafficking, and empowers children and youth to protect themselves. The *2020 Reaching Home: Canada's Homelessness Strategy* aims to prevent and reduce homelessness across the country.

**Reply to paragraph 3 (c) of the list of issues**

14. FPT governments have implemented Gender-Based Analysis Plus (GBA+), or similar analytical tools or processes, to assess the impacts of initiatives on diverse groups, including children and youth, and to design inclusive and accessible policies, programs, and services. Additionally, under the 2018 *Canadian Gender Budgeting Act*, the federal Minister of Finance must report on the impacts in terms of gender and diversity of all new budget measures described in the plan. A GBA+ template is used to assess these impacts.

15. In 2018, the federal Interdepartmental Working Group on Children's Rights partnered with children's rights experts to offer Children's Rights Impact Assessment (CRIA) training for federal government officials. In 2020-2021, the GC engaged with a civil society Advisory Group to inform the development of a CRIA tool. It also developed a Youth Impact Analysis tool to support federal policymakers in considering youth perspectives and how youth may be impacted.

**Reply to paragraph 4 (a) of the list of issues**

16. All PTs improved data collection, particularly regarding children in care, children in vulnerable situations, and Indigenous children:

- Nova Scotia and Prince Edward Island are developing electronic case management systems for children in care. Manitoba and Quebec improved existing systems to enhance information tracking children in vulnerable situations;
- In 2020, British Columbia amended its *School Act* to authorize the assignment of Personal Education Numbers to all children residing in the province to support evidence-based policy decisions and capacity for Kindergarten to Grade 12 enrolment planning and preparation. British Columbia is also working with its Indigenous partners to ensure data collected aligns with the needs of Indigenous partners;
- Northwest Territories funnelled data collection for the Early Development Instrument to create indicators that focus on the reduction of vulnerability in the population and, beginning in 2021, increased the frequency of public reporting from every three years to annually;
- Ontario now collects self-reported identity-based data for youth in situations of detention, including custody and community-based youth justice services.

**Reply to paragraph 4 (b) of the list of issues**

17. Bill S-210, *An Act to Establish the Office of the Commissioner for Children and Youth in Canada*, equivalent to former S-217, was introduced in the Senate in September 2020. The Bill died when Parliament dissolved in August 2021.

**Reply to paragraph 5 (a) of the list of issues**

18. With the purpose of creating a barrier-free Canada by 2040, the federal Parliament passed the *Accessible Canada Act (ACA)* in July 2019. Per the legislation, Accessibility Standards Canada was created to develop standards, conduct research and disseminate information on barrier identification, removal, and prevention. The GC also established the Accessible Canada Directorate to lead the implementation of the ACA.

19. In line with the Anti-Racism Strategy, the GC has made youth-focused investments to enhance community supports for Black youth and to develop research in support of more culturally focused mental health programs in Black communities. Funding was also provided for organizations to help diverse youth overcome barriers to employment and develop skills and knowledge to participate in the labour market.

20. The GC has taken steps to implement the orders and to improve Indigenous children and youth's access to services:

- In 2019, the *Act Respecting First Nations, Inuit and Métis Children, Youth and Families* was enacted, which affirms Indigenous jurisdiction in relation to child and family services; contributes to the implementation of the *United Nations Declaration on the Rights of Indigenous Peoples*; and establishes principles such as best interests of the child (BIOC), cultural continuity and substantive equality to help guide the provision of child and family services in relation to Indigenous children;
- In line with the 2018 Canadian Human Rights Tribunal Order for *Caring Society v. Canada*, the GC is reimbursing First Nations Child and Family Services Agencies for their actual expenditures related to prevention or least disruptive measures, building repairs, intake and investigations and legal fees, and is reimbursing First Nations in Ontario related to Band Representative Services;
- In 2018, the GC introduced the Community Well-Being and Jurisdiction Initiative funding stream to support Indigenous communities in the development and delivery of child and family well-being prevention services and programs;
- In January 2022, the GC announced that Agreements-in-Principle had been reached on a global resolution to compensate victims of discriminatory underfunding of First Nations child and family services and to achieve long-term reform of the First Nations Child and Family Services program and Jordan's Principle. The Agreements-in-Principle provide a basis for final settlement agreements to be negotiated over the course of 2022.

**Reply to paragraph 5 (b) of the list of issues**

21. FPT Acts have been enacted or amended to provide further guidance on applying the BIOC principle:

- Enacted: GC's *Act Respecting First Nations, Inuit and Métis Children, Youth and Families*, in 2019; Ontario's *Moving Ontario Family Law Forward Act*, in 2020; and Prince Edward Island's *Children's Law Act*, in 2021;
- Amended: GC's *Divorce Act*, in 2019 and *Immigration and Refugee Protection Regulations*, in 2021; Ontario's *Child, Youth and Family Services Act and Children's Law Reform Act*, in 2020; and Quebec's 2021 *Youth Protection Act* (officially: *Loi sur la protection de la jeunesse*).

22. Further to measures described in Canada's Periodic Report, the GC:

- In 2021, developed resources for the public, along with education and training materials for family justice system professionals, to support the effective implementation of the new BIOC provisions in the *Divorce Act*;

- In 2021, Canada's Immigration and Refugee Board issued a new Detention Guideline that provides further guidance to board members in considering the BIOC in decisions on the detention of a child, or a parent or guardian of a child.

#### Reply to paragraph 5 (c) of the list of issues

23. FPT governments have recently put in place measures to enhance the implementation of a child's right to be heard, including:

- Amendments to the federal *Divorce Act*, which came into force in March 2021, establish criteria for considering the BIOC, one of which requires judges to consider the child's views and preferences, giving due weight to the age and maturity of the child;
- The GC developed resources to help Canadians understand the changes to the *Divorce Act*, including a fact sheet on why a child's view and preference are important in determining the BIOC, and an updated booklet for children on separation and divorce that includes new content on how children's views and preferences could be considered;
- In 2018, Quebec revised Directive ENF-1 *Offences Against Children* (officially: Directive ENF-1 *Infractions envers les enfants*). The guiding principle of ENF-1 is to always consider the BIOC when making decisions and guides the prosecutors at all stages of the proceedings. For example, by promoting any form of assistance or support to assist the child in the court process and by providing the use of protective measures and testimonial aids. In addition, to prepare children for testifying, Quebec supported the deployment in 2021 of the *Child Witness and Other Vulnerable Witness Program* (officially: *Programme enfant témoin et autres témoins vulnérables*) of the *Network of Crime Victims Assistance Centres* (officially: *Réseau des centres d'aide aux victimes d'actes criminels*);
- Ontario regularly consults youth with lived experiences when developing policies regarding licensed residential services. For example, Ontario relied on input from the Residential Services Youth Panel to develop the Quality Standards Framework, which provides guidance on many aspects of high-quality care necessary to support vulnerable children and young persons in many different sectors: child welfare, youth justice, child and youth mental health, and special needs.

#### Reply to paragraph 6 of the list of issues

24. Canada has taken several measures to support the implementation of the recommendations of the Truth and Reconciliation Commission (TRC) and the National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG). Notable child-related examples include:

- Since its initiation by the TRC in 2015, the GC has supported the development and maintenance of the National Residential School Student Death Register in consultation with Indian Residential School survivors, families, and communities. Following the recent identification of residential school cemeteries and the unmarked graves of Indigenous children at residential school sites across the country, the GC has supplemented existing investments for research and documentation of unmarked burial sites and memorialization of the children who died at residential schools;
- Federal Parliament enacted *An Act respecting First Nations, Inuit and Métis children, youth and families* (Bill C-92) that supports Indigenous children, youth and families, and provided funding for Family Information Liaison Units, community-based supports, and for the building and operation of shelters to help protect and support Indigenous women and girls experiencing and fleeing violence. See also Question 9(A);
- As a result of engagement with First Nations between 2016 and 2018, in April 2019, the GC launched a new education policy and funding approach to support students in First Nations-operated elementary and secondary schools with funding that is comparable to funding for students in provincial schools;

- Ontario schools began the mandatory implementation of revised curriculums done in collaboration with Indigenous and education partners, which introduced mandatory learning about Indigenous perspectives, cultures, contributions, and histories, including topics of significance such as residential schools and treaties;
- Quebec, following consultation with partners, developed and deployed protocols for the creation of spaces for vulnerable children in early childhood centres, the implementation of Jordan's Principle, financial support for the deployment of social pediatrics centres and family homes, and support for Indigenous communities and organizations wishing to access new delegations of authority in child welfare in accordance with the *Quebec Youth Protection Act* (officially: *Loi sur la protection de la jeunesse du Québec*);
- In 2019, British Columbia stopped issuing birth alerts, improved support for vulnerable expectant parents to help keep newborns safe and families together, and implemented amendments to the *Child, Family and Community Service Act* supporting collaborative practices with Indigenous communities, which recognizes their shared rights and responsibility for upbringing and well-being of their children;
- In 2021, Saskatchewan ended the practice of birth alerts and established collaborative processes between the ministries of Health and Social Services to support expectant moms in hospital for longer periods if necessary to ensure infant safety.

25. Canada established mechanisms to monitor the progress of implementation of actions that respond to the National Inquiry into MMIWG, to the TRC's Calls to Actions, or that contribute to reconciliation. Such mechanisms include the regular release of reports or the creation of advisory councils. For example, the *2021 Missing and Murdered Indigenous Women, Girls, and 2SLGBTQQIA+ People National Action Plan*, released in June 2021, was guided by a national family and survivors circle and a core working group. All FPT governments made important contributions. As one component of the National Action Plan, the GC developed the Federal Pathway outlining its commitment as a contributor to the Plan. Many of the partners and working groups are now focusing on the implementation of their chapters, with the federal government continuing to develop the implementation framework for the Federal Pathway and the implementation and delivery of new and ongoing programs and initiatives. The GC continues to engage with partners on the implementation of the National Action Plan.

#### **Reply to paragraph 7 of the list of issues**

26. In June 2021, the GC announced that Indigenous peoples can now reclaim their Indigenous names, as written, on passports and other immigration documents (TRC Call to Action 17).

27. Alberta, New Brunswick, the Northwest Territories, and Ontario provide replacement birth certificates free of cost to survivors and descendants of residential schools and the Sixties Scoop.

28. GC has measures in place to respond to statelessness, including authorities that ensure statelessness is among the criteria for granting legal status. The *Citizenship Act* makes a specific grant of citizenship available to stateless individuals born outside Canada to a Canadian parent who did not acquire citizenship by descent. Additionally, since 2017, the *Citizenship Act* explicitly gives the Minister of Immigration, Refugees and Citizenship discretion to grant citizenship to any person to alleviate cases of statelessness.

#### **Reply to paragraph 8 (a) of the list of issues**

29. The GC continues to explore how best to respond to the TRC's Call to Action 6 to repeal section 43 of the Criminal Code. See paragraphs 68 and 69 of Canada's Periodic Report and Question 8(B) for information on measures to protect children from violence.

#### **Reply to paragraph 8 (b) of the list of issues**

30. Canada has taken several measures to protect children from violence. Since 2018, initiatives include:

- The launch, expansion, and implementation of strategies to address child sexual exploitation, human trafficking, and gender-based violence. See Questions 3(A) and 15;
- The publishing in 2019 of Canada’s Road Map to End Violence to accelerate efforts towards this goal and highlight innovative best practices by PTs;
- Implementation of federal *Divorce Act* amendments that require courts to consider family violence when determining parenting arrangements for children;
- Providing funding for expanded supervised parenting time services to protect the safety of children following separation or divorce and additional family justice system supports for victims of intimate partner violence to promote safe outcomes for them and their children;
- Providing funding to communities for the operation of emergency shelters on reserves and in the Yukon, and for community-driven prevention projects, including those aimed at supporting Indigenous children in violence prevention;
- Quebec has implemented various strategies and action plans aimed at combating domestic violence, sexual assault, and sexual exploitation since September 2018. In addition, sexuality education courses are mandatory for all students from the first year of primary school to the fifth year of secondary school. They aim, among other things, to make children less vulnerable to sexual assault and violence;
- New Brunswick established the Sexual Violence Framework Implementation Committee in 2018. The Framework is focused on awareness and prevention for school-aged children and youth, and post-secondary education; and in 2020, New Brunswick established a roundtable to identify prevention and intervention actions to reduce sexual violence.

#### **Reply to paragraph 8 (c) of the list of issues**

31. All governments have legislation, policies and measures in place to protect the digital privacy of Canadians. The Office of the Privacy Commissioner of Canada has taken measures to safeguard children’s privacy by publishing *Guidelines for Obtaining Meaningful Consent* for organizations obtaining consent for the collection, use and disclosure of personal information for children under the age of 13; launching investigations into global data breaches that compromise the personal information of children; and developing online youth-friendly education resources on privacy.

#### **Reply to paragraph 8 (d) of the list of issues**

32. This is a case between private parties. Governments are not involved.

#### **Reply to paragraph 9 (a) of the list of issues**

33. Funding for programs for Black and Indigenous children and families includes the following - see Question 6:

- The GC is working with Indigenous partners to reform Child and Family Services and reduce the number of children in care. Additionally, the GC is working with Indigenous partners to co-develop a new funding methodology to guide the delivery of Child and Family Services;
- The GC’s homelessness strategy provides funding for targeted groups, including Indigenous children, who are experiencing or are at risk of homelessness, with the aim of ensuring substantive equality for this historically disadvantaged group;
- The GC’s Community Support for Black Canadian Youth Initiative was created to support projects that combat discrimination through awareness-raising, provide opportunities for Black youth, empower youth through the promotion of Black history, culture and identity, and develop leadership skills and civic engagement;

- Nova Scotia's Youth Outreach Program provides supports to youth in areas of housing, safety and wellbeing, and specifically provides supports to African Nova Scotian and Mi'kmaq youth;
- Ontario's Black Youth Action Plan and the Enhanced Black Youth Action Plan, announced in 2020, support better outcomes for Black children, youth and families by working toward eliminating systemic and race-based disparities while increasing opportunities in different target communities. Initiatives include local and culturally relevant youth mentorship programs; innovative supports for Black parents to improve child and family well-being; and support for Black students and families to help them achieve educational, career and life goals.

**Reply to paragraph 9 (b) of the list of issues**

34. The GC is making ongoing progress on the implementation of Bill C-92 and continues to engage with partners, including PTs, to address issues. Measures include:

- Funding over five years to support the implementation of this legislation, including funding to support coordination agreement discussions related to exercising jurisdiction over Indigenous child and family services; capacity building for Indigenous communities in preparation for exercising that jurisdiction; and engagement activities for Indigenous groups, communities and peoples to discuss the implementation of the Act;
- Developing a data and reporting strategy through principles of Indigenous data sovereignty, such as the Ownership, Control, Access and Possession standards established by the First Nations Information Governance Centre, Inuit Qaujimajatuqangit principles, and emerging Métis data principles.

**Reply to paragraph 9 (c) of the list of issues**

35. PTs are responsible for adoption. Each government has different legislative schemes that regulate adoption within its jurisdiction.

**Reply to paragraph 10 (a) of the list of issues**

36. Canada continues to take steps to improve access to healthcare services, including mental health and suicide prevention services for Indigenous children, through initiatives including:

- *Jordan's Principle* and *Inuit Child First Initiative* have helped First Nations and Inuit children access products, services and supports such as speech therapy, medical equipment and mental health services;
- The federal launch of the *Youth Hope Fund* to support Indigenous youth-led suicide prevention activities and *The Choose Life Initiative* to develop community-based solutions to prevent youth suicide in Nishnawbe Aski Nation communities and Tribal Councils;
- Manitoba's Interdepartmental Jordan's Principle Working Group regularly shares information to ensure the provincial government accurately understands the implementation of Jordan's Principle in Manitoba. The working group is focused on better understanding service delivery issues and positioning the Manitoba government to support First Nations partners and Canada in implementing Jordan's Principle;
- Ontario is working with Indigenous communities and service providers to support increased access to Indigenous-led mental health and addictions supports across the province, notably to support 33 Indigenous-led mental health and addictions programs and services to help stop the cycle of intergenerational trauma;
- In 2020, Quebec supported the improvement of cultural safety in the health and social services system, in addition to enabling Indigenous communities to take charge of and adapt certain child and family services through the signing of youth protection agreements. Funded initiatives will include the design and delivery of training, the deployment of liaison officers and service navigators, support for demonstration

projects, and the adaptation of the terms and conditions of the complaint review system.

#### **Reply to paragraph 10 (b) of the list of issues**

37. The GC consults health authorities to ensure the benefits outweigh risks of psychostimulant drugs as they become publicly available. It also tracks hospitalization rates for harm caused by substance use among youth aged 10 to 24, including psychostimulants, to develop and report on common indicators. The Chief Public Health Officer's Report on the State of Public Health in Canada 2018 focused on preventing problematic substance use in youth. It discussed risk factors, strengthening protective factors, delaying initiation to the use of substances and preventing their harmful use.

38. Many PTs have developed their own monitoring methods. For example, British Columbia has funded its own systematic review of prevalence data and prevention and treatment options for child and youth mental health disorders; funded systematic reviews through the Children's Mental Health Research Quarterly; and provided training for clinicians in a variety of evidence-informed interventions.

#### **Reply to paragraph 10 (c) of the list of issues**

39. Through the National Housing Strategy, the GC has established agreements with the PTs to deliver investments to protect, renew, and expand community housing, support provincial priorities related to housing repair, construction and affordability and collaborate on preventing and reducing homelessness. Federal investments in housing projects between 2015 and 2019 resulted in the construction of 41,800 new affordable housing units and 229,600 repaired units. Through rental assistance, rent supplements and subsidies for social housing, 782,000 families or individuals benefited from a more affordable or stable place to live and over 35,000 individuals were placed in more stable housing.

40. Introduced in 2018, the federal poverty reduction strategy is showing positive results. Data from the 2019 Canadian Income Survey showed that Canada has met its target to reduce its poverty rate by 20% by 2020 (relative to 2015 levels). Between 2015 and 2019, over 1.3 million Canadians were lifted out of poverty, including 435,000 children.

41. In 2019-2020, Manitoba, British Columbia, Prince Edward Island and Ontario began implementation of provincial poverty reduction strategies.

#### **Reply to paragraph 10 (d) of the list of issues**

42. The GC continues to work in partnership with First Nations to address water concerns on reserves. From 2016 to June 30, 2021, it supported 751 water and wastewater projects, including 124 projects to address long-term drinking water advisories. From November 2015 to December 9, 2021, with support from the GC, First Nations have lifted 120 long-term drinking water advisories on public systems on reserve and had prevented 202 short-term drinking water advisories from becoming long-term.

43. Since 2013, Ontario and the GC have worked with the Grassy Narrows First Nations to address the mercury crisis in Grassy Narrows. Support has included funding support and technical advice on a community health needs assessment, and a functional plan for the proposed mercury care home facility, the community's population health assessment, as well as providing technical support to a number of communities and Tribal Councils that requested assistance. In September 2020, the GC worked in close collaboration with Grassy Narrows First Nation to complete interim upgrades to the existing water treatment plant and distribution connections. In 2020, the GC committed funding for the construction and operations of mercury care facilities in both Grassy Narrows and Wabaseemoong. In April 2020, and revised in July 2021, the GC signed a Mercury Care Home Framework Agreement with Grassy Narrows First Nation. In support of longer-term safe drinking water needs, Canada has also committed to support the construction of a new water treatment plant, distribution upgrades and raw water intake location at Grassy Narrows First Nation. Design is set to start in 2022 with construction anticipated to commence in 2023.

44. In April 2016, Alberta conducted a final review of the remediation work and closed the Red Deer River file as it determined that no further work was required. Following the 2012 oil pipeline failure, measures taken included the inspection and documentation of all pipelines crossing the Red Deer River upstream of the Dickson Dam, the identification of high-risk pipelines subject to river bend erosion, scouring and damage, and the decommissioning of older non-operational pipelines. In March 2018, a new directive identified the circumstances under which Alberta will consider applications for riverbed armouring (erosion protection) of pipelines that do not meet scour depth requirements under the *Code of Practise for Pipelines and Telecommunication Lines Crossing a Water Body*.

#### **Reply to paragraph 10 (e) of the list of issues**

45. Governments in Canada provide for assessments of the potential impacts of projects on Indigenous or treaty rights, and/or for broad consultation with Indigenous governments and organizations. For example, in 2020, New Brunswick increased efforts to create transparency around the administration of public lands by creating and disseminating an annual report on land management activities to all First Nations for consideration and to inform discussion. In 2019, Northwest Territory's *Minerals Resources Act* included a statutory requirement for resource extraction projects that meet a prescribed threshold to enter benefits agreements with identified Indigenous governments and organizations.

#### **Reply to paragraph 11 (a) of the list of issues**

46. PTs have integrated human rights principles, including children's rights, into their curricula. Examples include:

- In Newfoundland and Labrador, children learn to identify current issues related to the rights of children beginning in Grade 6, through the critical examination of human rights issues around the world and at home as informed by the CRC and the *Universal Declaration of Human Rights*;
- British Columbia's redesigned curriculum, implemented in 2018-2019, ensures that in all subjects and grades, topics related to human rights prioritize discussions surrounding the prevention of racism and discrimination, and the value of diversity. This includes the mandatory teaching from kindergarten to Grade 10 of concepts related to abuse and sexual abuse as part of the Physical and Health Education curriculum.

#### **Reply to paragraph 11 (b) of the list of issues**

47. Since 2017, the GC's *Multi-lateral Early Learning and Childcare Framework* has created over 40,000 affordable childcare spaces and increased access to training and professional development for the early childhood workforce.

48. In 2021, the GC made a transformative investment to build a Canada-wide early learning and childcare system with provincial, territorial and Indigenous partners. New agreements with PTs will provide them with significant funding to support substantial reductions to families for the cost of regulated childcare spaces. As a result:

- Manitoba improved availability of training for facilities to better meet the needs of children with autism. Since 2018, 265 staff from 28 childcare centres trained in Applied Behavioural Analysis, and approximately 400 children with disabilities, including autism, have been supported annually through specialized inclusion;
- Saskatchewan increased access to childcare programs and to training and resources for childcare providers to ensure high-quality programming in both centre-based and home-based sectors. The approach is rooted in the principle of inclusivity to increase the quality of life for children experiencing disability, and to support the Francophone community by allocating childcare spaces for Francophone families.

49. The GC continues to collaborate with Indigenous communities to establish a system rooted in the co-developed *Indigenous Early Learning and Child Care Framework*, notably to promote Indigenous self-determination, including the right to control the design, delivery and administration of the system.

50. PTs are also engaging with Indigenous Peoples to ensure the provision of early learning and childcare services:

- British Columbia prioritizes the expansion of Indigenous-led, culturally based early care and learning, and since 2018 has supported up to 643 no-fee Aboriginal Head Start (AHS) spaces. In 2020-2021, funding helped operationalize outdoor and land-based cultural programming at AHS sites across the province, recognized as being significant in maintaining the health and cultural identity of Indigenous communities.

**Reply to paragraph 12 (a) of the list of issues**

51. All PTs ensure free access to primary education. Fees may be charged for supplies, extracurricular activities, tournaments and transportation. Some PTs have mechanisms in place for administrators to waive fees for families in need.

**Reply to paragraph 12 (b) of the list of issues**

52. The delivery of education, including sexuality education, is the responsibility of PTs with the exception of First Nations Kindergarten to Grade 12 schools on reserves that fall under the responsibility of the GC. Although each government develops sexual education curricula separately, they generally address common themes, including Sexually Transmitted and Blood-borne Infections (STBBI) and how to prevent them.

53. In consultation with PTs, the GC has developed an action plan for reducing the health impacts of STBBI by 2030. The GC has committed to investing in culturally safe prevention, education, and awareness initiatives to address STBBI burdens among Indigenous peoples, including youth. Some PTs have developed specific STBBI strategies to manage and plan interventions to minimize their impacts.

**Reply to paragraph 12 (c) of the list of issues**

54. Governments in Alberta, British Columbia, Newfoundland and Labrador, Nova Scotia, Ontario, Prince Edward Island, Quebec and Saskatchewan have revised or are in the process of revising their curricula in partnership with Indigenous communities and stakeholders to ensure that all students, teachers and school leaders learn about First Nations, Métis and Inuit perspectives and experiences, treaties and the history and legacy of residential schools. For instance:

- Nova Scotia partners with Mi'kmaq and government stakeholders to increase knowledge and awareness about the importance of shared history in schools, including the addition of hand drums in music classes, singing the Mi'kmaq Honour Song, and newly added children's book series Antle aqq Witapk (Antle and His Friends), to support public school teachers with sharing Mi'kmaw teachings and culture in the classroom;
- Ontario supports Indigenous languages teaching and learning opportunities for Indigenous students within the provincial education system. The "Anishinaabemodaa"— "Let's speak Ojibwe" Initiative, in partnership with Rainy River District School Board, the Seven Generations Education Institute, and SayITFirst, is working to sustain and expand language-learning opportunities and increase access to language learning resources for First Nation students across the province.

55. Curricula in Alberta, Newfoundland and Labrador, New Brunswick, Ontario and Saskatchewan are being revised to better reflect the historical legacies of the Atlantic slave trade in Canada and the contributions made and challenges faced by Black Canadians. This work addresses systemic racism, concepts related to diversity and race relations, equity and human rights for Black, Indigenous and People of Colour, and issues related to marginalization and social and economic inequalities. For instance:

- New Brunswick is developing a continuum of support on New Brunswick Black Histories and Cultures for educators when identifying, purchasing, and developing learning resources. This involves working with key experts and establishing a process

for receiving and integrating input from civil organizations advocating for racial equality;

- Newfoundland and Labrador is renewing the province's social studies curriculum. As part of that effort, it is reviewing and revising Newfoundland and Labrador, Canadian, and international history content. The Atlantic Canada slave trade will also be suggested as an option for study.

56. Additionally, all First Nations schools on reserves receive funding to support language and cultural programming.

**Reply to paragraph 12 (d) of the list of issues**

57. Canadian children are encouraged to participate in self-directed playtime through curricula established by all PTs. Some PTs have developed guides to inform educators, parents and families on play-based learning experiences.

**Reply to paragraph 13 (a) of the list of issues**

58. The GC continues to work to minimize the use of immigration detention for children and their parents or guardians. In 2018, the GC launched an expanded Alternatives to Detention (ATD) program, which includes tools to enable the effective release of individuals into the community. The greater use of ATD has resulted in fewer individuals detained on immigration grounds, better options for managing vulnerable people, including adults with children, and greater national consistency.

**Reply to paragraph 13 (b) of the list of issues**

59. Comprehensive statistics on the number of adult sentences imposed on young offenders are currently unavailable. Between 2015 and 2019, PTs reported 71 cases of adult sentences for young offenders. However, three PTs did not report. See paragraph 48 of Canada's Periodic Report.

**Reply to paragraph 13 (c) of the list of issues**

60. Steps taken to address the over-representation of Indigenous and Black children in the criminal justice system include:

- The Federal Parliament amended the *Youth Criminal Justice Act* in 2019 to restrict the use of bail and sentencing conditions, and encourage the use of extrajudicial measures for administration of justice offences, which are expected to contribute to a reduction in the over-representation of Indigenous, racialized and vulnerable youth in the criminal justice system;
- British Columbia now requires mandatory Indigenous cultural safety training for all staff in youth justice services who may be writing reports at the request of the court for decision-making;
- Ontario is implementing its first community-based Justice Centres, bringing together justice, health, employment, education and social services to collectively address the root causes of crime, break the cycle of offending and improve public safety and community well-being.

**Reply to paragraph 13 (d) of the list of issues**

61. In response to the pandemic, many PTs expanded their technological capacities to be able to continue with their judicial processes.

- In Alberta, the pandemic has resulted in a broader use of technology-enabled bail, case management, and trials;
- Prince Edward Island increased its use of electronic supervision and expanded their virtual court;

- In Quebec, under the *Extrajudicial Sanctions Program*, an additional delay was added to allow young persons to complete their extrajudicial sanction despite delays caused by the COVID-19 pandemic;
- Newfoundland and Labrador made efforts to release as many people as possible from pre-trial detention, especially Indigenous people, for whom it was identified to be most suitable to stay in their communities to minimize the spread of COVID-19.

62. Alberta, Nova Scotia, Prince Edward Island, and Quebec have started integrating Gladue reports to their court proceedings. Other PTs, such as New Brunswick and the Northwest Territories, already offer pre-sentence reports that integrate Gladue principles.

#### **Reply to paragraph 14 (a) of the list of issues**

63. See Canada's Periodic Report, paragraphs 162-164 for information on the age of enlistment in the Canadian Armed Forces Regular Force.

64. Canada became a Party to the *Arms Trade Treaty* (ATT) on September 17, 2019. As a result, the GC amended the *Export and Import Permits Act* to incorporate the ATT's risk assessment criteria. Under this Act, the Minister of Foreign Affairs shall not issue an export or brokering permit if the proposed transaction could, among other uses, be used to commit or facilitate serious acts of gender-based violence or violence against women and children. The enhanced risk assessment procedures refer to the CRC as a resource.

#### **Reply to paragraph 14 (b) of the list of issues**

65. The GC is particularly concerned with cases of Canadian children detained by Kurdish authorities in northeastern Syria. In October 2020, the GC repatriated a Canadian orphan in northeastern Syria on an exceptional basis.

66. Canada's embassy in Syria remains closed and has no diplomatic representation in the country. Canadian consular officials are engaged with Syrian Kurdish authorities and international organizations operating in the region seek information on Canadians in Kurdish custody. The GC's ability to provide consular assistance in Syria remains extremely limited, but it continues to monitor the situation very closely.

#### **Reply to paragraph 15 of the list of issues**

67. Since 2018, Canada has adopted several measures to address the sale of children, child prostitution, child pornography and the sexual exploitation of children in tourism. At the federal level, these include:

- Funding the National Child Exploitation Crime Centre to enhance online child sexual exploitation operational capacity, victim identification capacity, operational research and technical solutions capacity, and capacity to identify Canadian transnational child sex offenders;
- Expansion of the *National Strategy for the Protection of Children From Sexual Exploitation on the Internet* to include a national awareness campaign; funding for youth awareness initiatives, with a focus on vulnerable populations including 2SLGBTQIA+ and Indigenous youth; funding to enhance the capacity of local law enforcement Internet Child Exploitation units; and working with Five Eyes partners and digital industry to implement the *Voluntary Principles to Counter Child Sexual Exploitation and Abuse* on digital networks;
- Adoption of the *National Strategy to Combat Human Trafficking* and targeted annual funding through the Victims Fund to support victims of human trafficking – see Question 3(A).

68. Measures adopted by PTs include:

- In 2020, Alberta established an Action Plan to Combat Human Trafficking to protect at-risk individuals, such as children. The Plan also empowers survivors and puts forward new remedies to deal with traffickers. Alberta established the Alberta Human Trafficking Task Force, as well as a cross-ministry Human Trafficking Working

Group with representation from nine ministries. Alberta also enacted the *Protecting Survivors of Human Trafficking Act*, which aims to protect vulnerable Albertans at-risk of being trafficked;

- In 2020, Ontario established an Anti-Human Trafficking Strategy, with actions focused on: raising awareness of the issue; protecting victims and intervening early; supporting survivors; and, holding offenders accountable. Ontario provides multi-sectoral access to supportive services to prevent at-risk individuals, such as children, from being trafficked and to help survivors of human trafficking heal and rebuild their lives. These services include the Anti-Human Trafficking Community Supports fund which supports community-based solutions for helping survivors of human trafficking and increasing protection for people at risk of being trafficked, and the Anti-Human Trafficking Indigenous-led Initiatives Fund which supports community-focused anti-human trafficking services designed for and by Indigenous people.

69. In 2019, improvements to police-reported crime collection methods, recent public discussions on sexual violence and awareness-building initiatives, and compliance with federal Bill C-22, *An Act Respecting the Mandatory Reporting of Internet Child Pornography by Persons Who Provide an Internet service* can help explain the recent increase in rates of police-reported child pornography.

## Part two

### Reply to paragraph 16 (a) of the list of issues

70. Since the drafting of Canada's Periodic Report, new legislation that affects children includes:

- 2018:
  - The federal *Cannabis Act* exempts young persons in possession of up to 5 grams of cannabis from criminal prosecution has led to a significant decline in youth charges for cannabis possession and will potentially impact the over-representation of Indigenous and other racialized youth in Canada's youth criminal justice system;
  - Alberta's *Child Protection and Accountability Act* ensures the independent Child and Youth Advocate reviews the death of a child receiving child intervention services.
- 2019:
  - Newfoundland and Labrador's *Children, Youth and Families Act* increased the age of mandatory reporting of youth in need of protection to include 16 and 17-year olds and removed restrictions to ensure vulnerable youth receive services until their 21<sup>st</sup> birthday. Additional provisions recognize Indigenous children, youth and families as distinct and support the involvement of Indigenous governments and organizations in planning and decision-making regarding their children and youth;
  - Prince Edward Island's *Child and Youth Advocate Act* created the Office of the Child and Youth Advocate, which appointed an Independent Child and Youth Advocate in May 2020. The Advocate ensures children and youth have a voice in decisions that affect them;
  - The federal *Act Respecting First Nations, Inuit and Métis children, youth and families* introduced national standards for the provision of child and family services to Indigenous children – see Question 5(A). This Act triggered a series of legislative changes countrywide, including several provinces ending their long-standing practice of birth alerts, shifting towards voluntary, consent-based supports and services for high-risk expectant parents to better support families;

- Amendments to Canada’s federal family laws were adopted in June. The amendments promote children’s best interests, address family violence, help reduce rates of poverty, and increase the accessibility of Canada’s family justice system;
- 2020:
  - Alberta’s *Early Learning and Child Care Act* increases quality and safety, transparency for parents, and provides greater flexibility for providers;
  - British Columbia’s *Education Statutes Amendment Act* clarified the authority of schools operated by First Nations to issue provincial graduation certificates;
  - New Brunswick’s *Family Law Act* updated the BIOC criteria to include specific considerations around family violence and First Nations families;
  - Saskatchewan’s *Protection From Human Trafficking Act* provides victims and survivors, including children, of human trafficking with civil remedies against their traffickers;
- 2021:
  - New Brunswick’s *Early Childhood Services Act* requires daycare operators to have an inclusion policy;
  - The federal *United Nations Declaration on the Rights of Indigenous Peoples Act* provides a roadmap for the GC and Indigenous peoples to work together to implement the Declaration, including via an action plan that will contain measures to address injustices and to eliminate all forms of violence and discrimination against Indigenous children and youth.

#### **Reply to paragraph 16 (b) of the list of issues**

71. Over the reporting period, new institutions and mandates by FPT governments include:

- Since 2019, the Canadian Prime Minister has named Ministers of Youth whose responsibilities include serving as Vice-Chair of the Prime Minister’s Youth Council, which ensures that the Prime Minister can draw advice from an engaged group of young Canadians;
- Since the opening of the new Sunny Hill Health Centre at British Columbia’s Children’s Hospital in September 2020, children and youth across British Columbia who require specialized acute rehabilitation and developmental assessments have access to a first-of-its-kind centre for children and youth with complex health conditions;
- In June 2021, Quebec appointed a Special Advisor to support the families of missing and deceased Indigenous children following an admission to a health and social services institution. Her mandate includes informing Indigenous families of the measures in place to support them in their search for information, including the procedure to follow in accordance with the Act. It works in collaboration with the Family Support Directorate created in September 2021 within the Indigenous Affairs Secretariat. The mandate of the directorate is to assist families of Indigenous children who have gone missing following their admission to a health care facility and who wish to take steps to locate them.

#### **Reply to paragraph 16 (c) of the list of issues**

72. New policies, programmes and action plans not previously mentioned in this response include:

- In 2019, the GC launched its first Youth Policy following engagement with over 5,000 youth across Canada. The policy identifies priority areas for action: Leadership and Impact; Health and Wellness; Innovation, Skills, and Learning; Employment; Truth

and Reconciliation; and Environment and Climate Action. It published a State of Youth Report in 2021, which was informed by youth engagement sessions;

- In June 2019, Newfoundland and Labrador introduced the Permanent Transfer of Custody Subsidy Program, available to care providers who obtain permanent custody of a child in their care as part of the permanency plan for the child, notably foster parents who have a significant relationship with a child in their care, and kinship caregivers;
- Ontario launched the first phase of Foundational Family Services in August 2020, which ensures services are available to all families registered to the Ontario Autism Program. Families can choose to access these free services at any point based on their child's needs;
- Quebec's *Government Action Plan on Domestic Violence 2018-2023* addresses direct victims of domestic violence, as well as children and adolescents exposed to such violence. It aspires to protect the safety of those persons and to develop services specific to them. In addition, Quebec's *Government Action Plan 2021-2026 in response to the recommendations of the Special Commission on the Sexual Exploitation of Minors* (officially: *Plan d'action gouvernemental 2021-2026 en réponse aux recommandations de la Commission spéciale sur l'exploitation sexuelle des mineurs*) aims to act on all fronts to counter this problem in Quebec: Research, communication and awareness, prevention and training, repression and reconstruction and rehabilitation;
- In May 2020, Saskatchewan released a policy statement on supporting students with potentially life-threatening medical conditions in schools. It requires school divisions to review and update or develop administrative procedures related to the management of these conditions in schools. In addition, a Youth Engagement Strategy was prioritized in 2021, with the primary objective being to enable and prepare youth in the child welfare system for transition to adulthood.

#### **Reply to paragraph 16 (d) of the list of issues**

73. Canada acceded to the Optional Protocol to the Convention on the Rights of Persons with Disabilities in December 2018 and is currently examining possible accession to the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women (Belem do Para Convention), the Optional Protocol to the Convention Against Torture, and the International Convention for the Protection of All Persons from Enforced Disappearance.

### **Part three**

#### **Reply to paragraph 17 of the list of issues**

74. The federal budget reports total expenditures for programs under the Canada Child Benefit Expenditures in three categories: major transfers to persons, major transfers to other levels of governments, and direct program expenditures. Total expenditures represented 13.9% of the gross domestic product in 2017-2018, 14.1% in 2018-2019, and 14.5% in 2019-2020. See Annex 2, Tables 1 and 2.

#### **Reply to paragraph 18 (a) of the list of issues**

75. The data from the 2018 Canada Housing Survey indicated 1,311,387 children living in inadequate housing, where a household's net monthly expenditure on housing exceeds 30% of its total monthly income. See Annex 2, Tables 3 to 6.

76. Canada's census data from 2016 reported 116,815 Indigenous children lived in dwellings that required major repairs, including repairs to address defective plumbing or electrical wiring, and structural repairs to walls, floors or ceilings. See Annex 2, Table 7.

77. Canada's poverty rate for children decreased from 11.6% to 9.7% between 2017 and 2019, which represents about 123,000 children lifted out of poverty. Over the same period,

seven PTs experienced a decrease in their childhood poverty rates while three provinces had an increase. See Annex 2, Table 8.

**Reply to paragraph 18 (b) of the list of issues**

78. Available data on the number of children being separated from their parents can be found in Annex 2, Table 9. Disaggregated data is not yet available. Further work is ongoing across PTs to bridge data, analysis and reporting gaps.

**Reply to paragraph 18 (c) of the list of issues**

79. From 2018 to 2020, 171,080 children aged 0-17 were admitted to Canada as permanent residents, including refugees. 36,525 asylum claimants aged 0-17 made an asylum claim during this period. See Annex 2, Tables 10 and 11.

**Reply to paragraph 18 (d) of the list of issues**

80. In 2019-2020, 2 children were detained for immigration reasons, for an average of 2.5 days and 136 children were housed in an Immigration Holding Centre for an average of 16.9 days. 75% of children were accompanying a parent or guardian detained on grounds of identity. See Annex 2, Tables 12 to 14.

**Reply to paragraph 18 (e) of the list of issues**

81. Available data on the number of children admitted to a psychiatric institution on an involuntary basis can be found in Annex 2, Table 15.

**Reply to paragraph 19 (a) of the list of issues**

82. Between 2018 and 2020, on average, over 28,000 children and youth were in alternative care in Canada. Available data on the number of children in alternative care can be found in Annex 2, Table 16.

**Reply to paragraph 19 (b) of the list of issues**

83. Between 2018 and 2020, on average, over 28,000 children and youth were in foster or kinship care in Canada. Available data on the number of children in foster or kinship care can be found in Annex 2, Table 17.

**Reply to paragraph 19 (c) of the list of issues**

84. Between 2018 and 2020, on average, 770 children and youth were adopted in Canada. Available data on the number of children adopted can be found in Annex 2, Table 18.

**Reply to paragraph 20 (a) of the list of issues**

85. In 2019, 11.9% of children aged 2 to 17 in Canada experienced some form of functional difficulty. See Annex 2, Table 19.

**Reply to paragraph 20 (c) and (d) of the list of issues**

86. In 2019, 12.5% of children aged 3 to 17 in Canada who were enrolled in school had some form of functional difficulty. See Annex 2, Table 20.

**Reply to paragraph 20 (f) of the list of issues**

87. In 2019, the percentage of children aged 3 to 17 in Canada with any functional difficulty who were not enrolled in school was 5.9%. See Annex 2, Table 21.

**Reply to paragraph 21 (a) of the list of issues**

88. In 2019, 85,197 youth aged 12 to 17 were accused of a criminal offence decreased by 11% from 95,968 in 2018, to 85,197 in 2019. See Annex 2, Table 22.

89. In 2019, 37.5% of youth were accused for property crimes, 37.6% for violent crimes, 17.9% for other Criminal Code offences, 2.35% for drug offences, 3.85% for other federal statute violations, and 1.15% for traffic violations. See Annex 2, Table 23.

**Reply to paragraph 21 (b) of the list of issues**

90. The number of youth who were given a warning, caution, or a referral to a Community or an Extrajudicial Sanctions Program, decreased by 14%—from 51,723 in 2018, to 44,355 in 2019. See Annex 2, Table 24.

**Reply to paragraph 21 (c) of the list of issues**

91. The number of youth placed in pre-trial detention decreased by 21%, from 6,077 in 2017-2018 to 4,785 in 2018-2019. See Annex 2, Tables 25 and 26.

**Reply to paragraph 21 (d) of the list of issues**

92. Since 2018, in British Columbia, Newfoundland and Labrador, New Brunswick, the Northwest Territories, and Prince Edward Island, no youth have been tried as adults. In Ontario, data is not readily available to respond to the question, as it could potentially lead to the identification of the rare cases that may put individuals at risk.

**Reply to paragraph 21 (e) of the list of issues**

93. The number of youth in conflict with the law who have served a sentence in secure custody decreased by 9%, from 583 in 2017-2018, to 531 in 2018-2019. The number of youth in conflict with the law who have served a sentence in open custody decreased by 20%, from 673 in 2017-2018, to 538 in 2018-2019. See Annex 2, Tables 27 to 30.

**Reply to paragraph 22 of the list of issues**

94. Canada's Federal Implementation Plan for the Sustainable Development Goals (SDGs) includes the cross-cutting objective of *leaving no one behind* to ensure that diverse groups, including children and youth, engage in sustainable development efforts with consideration for their particular needs.

95. Many indicators reported in the Canadian Indicator Framework and the Global Indicator Framework are based on data collection activities undertaken by Canada's federal statistics agency, including the collection of information on children. When applicable in both frameworks, the information collected on children is used as input for producing the SDGs indicators. And when applicable and feasible, data will be disaggregated, including by age groups, to provide a better picture of progress regarding children and youth.

**Reply to paragraph 24 of the list of issues**

96. Improving educational and health outcomes for Indigenous children and their families is a key priority related to the CRC. To this extent, FPT governments are working together and in partnership with Indigenous leaders and communities to support Indigenous education, to fully implement Jordan's Principle, and to ensure that Indigenous families and communities have the support that they need to raise their children within their own culture and family structures.

97. In its April 2021 Budget, the GC made a transformative investment to establish a Canada-wide early learning and childcare system in partnership with PTs and Indigenous partners, with the goal of ensuring that all families have access to high-quality, affordable, flexible and inclusive early learning and childcare. Quebec has had a subsidized daycare system since 1997 and will benefit from the GC investment.

98. The mental health of children is also a priority, especially in light of mental health impacts related to the COVID-19 pandemic. For instance, Saskatchewan has increased program support for suicide prevention among youth, including through launching a social media platform with information and resources on suicide prevention and intervention, as well as on general wellness.

99. PTs have also attributed great importance to the learning and well-being of children with disabilities. British Columbia, Ontario, Prince Edward Island, Quebec, Saskatchewan, and Manitoba plan to invest in student learning and well-being, including for children with learning difficulties and disabilities. In 2018, Prince Edward Island invested in a three-year plan to speed up access to psychological assessments and supports for students. Through comprehensive evaluations of students' learning, emotional and behavioural needs, students are diagnosed with a learning or an intellectual disability, when applicable.

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