

**ADVANCE UNEDITED VERSION**Distr.: General  
9 June 2022Original: English  
Arabic, Chinese, English, French,  
Russian and Spanish only**Committee on the Rights of the Child****Concluding observations on the combined fifth and sixth reports of Canada\*****I. Introduction**

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

2. The Committee welcomes the submission of the combined fifth to sixth periodic reports of the State party and the written replies to the list of issues,<sup>1</sup> which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses its appreciation for the constructive dialogue held virtually with the high-level and multisectoral delegation of the State party.

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

3. The Committee welcomes the progress achieved by the State party in various areas, including housing and homelessness, enhanced engagement with adolescents, and awareness raising of mental health issues. The Committee also welcomes the legislative, institutional and policy measures taken by the State party to implement the Convention, including the amendments to the federal *Divorce Act*, in 2021, to consider the best interests of the child; the release of its final report and Calls to Action by the Truth and Reconciliation Commission in 2015; and the coming into force of the *Act respecting First Nations, Inuit and Métis children, youth and families* (Bill C-92) in 2020.

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

4. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: independent monitoring (para. 13), non-discrimination (para. 18), the right to life, survival and development (para. 21), abuse and neglect (para. 27), children deprived of a family environment (para. 32) and standard of living (para. 39).

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

<sup>1</sup> CRC/C/CAN/RQ/5-6.

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

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

##### **Reservations and declarations**

6. The Committee, in line with its previous recommendations (CRC/C/CAN/3-4 of 2012, para. 9) and in the light of paragraph 5 of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights in 1993, urges the State party to consider withdrawing its remaining reservations to the articles 21 and 37(c) of the Convention.

##### **Legislation**

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

##### **Comprehensive policy and strategy**

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

##### **Coordination**

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

##### **Allocation of resources**

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

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

(b) Utilize a child-rights approach in the elaboration of the State budget, by implementing a tracking system for the allocation and the use of resources for children

throughout the budget. The State party should also use this tracking system for impact assessments on how investments in any sector may serve the best interests of the child;

(c) Define budgetary lines for all children, with special attention to those in disadvantaged or vulnerable situations that may require affirmative social measures such as children of Indigenous, African-Canadian, or other minorities and children with disabilities, and make sure that those budgetary lines are protected even in situations of economic crisis, natural disasters, or other emergencies.

#### Data collection

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

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

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

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

#### Independent monitoring

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

13. The Committee urges the State party to:

(a) Expediently establish an independent mechanism at the federal level for monitoring children's rights in line with the Paris Principles that is able to receive, investigate and address complaints by children in a child-sensitive and child-friendly manner;

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

(c) Restore the Ontario Child Advocate's office and its entire previous mandate.

#### Dissemination, awareness-raising and training

14. While noting the insufficient awareness of the Convention among adults and children in the State party, the Committee recommends that the State party strengthen its awareness-raising programmes, including campaigns, in cooperation with civil society organizations both at the federal and provincial and territorial levels, to ensure that the Convention and the Optional Protocols thereto are widely known by the public, including parents and children themselves. It also recommends that the State party provide mandatory training on the rights of the child under the Convention and national law to all professionals working with and for children, including government officials, judicial authorities, and professionals who work with children in health and social services.

### International cooperation

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

### Children's rights and the business sector

16. While welcoming the establishment of the post of the Ombudsperson for Responsible Enterprise in 2018 and recalling its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights and the Guiding Principles on Business and Human Rights, endorsed by the Human Rights Council in 2011, the Committee recommends that the State party establish and implement regulations to ensure that the business sector complies with international and national human rights, labour, environment and other standards, particularly with regard to children's rights. In particular, it recommends that the State party:

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

(b) Develop and implement a national action plan on business and human rights in addition to the Responsible Business Conduct Strategy, through a multi-sectoral consultation with a focus on children's rights;

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

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

### Non-discrimination

17. The Committee is deeply concerned about:

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

(b) The apparent disparities in the treatment of children and their rights within the different regions and territories, especially with regards to children with disabilities, migrant children, children of ethnic minorities and others.

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

### Best interests of the child

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

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

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

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

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

20. The Committee is seriously concerned about:

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

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

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

21. **The Committee urges the State party to:**

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

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

(c) **Ensure that Indigenous children in northwestern Ontario have access to specialized health care necessary to treat mercury poisoning, including by fully funding the construction and operation of a Mercury Survivors Home and Care Centre sought by Grassy Narrows;**

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

(e) **Provide effective remedies to children for violations of their rights to health as result of mercury contaminations and take immediate measures to address the ongoing impacts of mercury contamination on the community's health and wellbeing.**

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

22. **While welcoming the amendments to the federal *Divorce Act*, in 2021, requiring judges to consider the child's views and preferences, giving due weight to the age and maturity of the child, and recalling its general comment No. 12 (2009) on the right of the child to be heard, the Committee recalls its previous concluding observations (CRC/C/CAN/CO/3-4, para 37) and recommends that the State party continue to ensure the implementation of the right of the child to be heard in accordance with article 12 of the Convention. In doing so, it recommends that the State party:**

(a) **Promote the meaningful and empowered participation of all children, within the family, community, and schools, and develop and share good practices;**

(b) Ensure that the views of the child are a requirement for all official decision-making processes that relate to children, including custody cases, child welfare decisions, criminal justice, immigration, and the environment;

(c) Ensure that children have the possibility to voice their complaints if their right to be heard is violated with regard to judicial and administrative proceedings, and that children have access to an appeals procedure.

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

#### **Birth registration and nationality**

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

(a) Ensure the issuance of birth certificates for all children born in its territory, in particular for Indigenous children, immediately after the birth;

(b) Amend the Citizenship Act to include a definition of stateless person in accordance with international law and consider ratifying the Convention relating to the Status of Stateless Persons of 1954.

#### **Preservation of identity**

24. The Committee recalls its previous concluding observations (CRC/C/CAN/CO/3-4, para 43) and urges the State party to:

(a) Ensure full respect for the preservation of identity for all children, and to take effective measures to ensure that Indigenous children in the child welfare system are able to preserve their identity;

(b) Restore names on birth certificates where they have been illegally altered or removed;

(c) Adopt legislative and administrative measures to account for the rights, such as name, culture and language, of children belonging to minority and Indigenous populations and ensure that the large number of children in the child welfare system receive an education on their cultural background and do not lose their identity;

(d) Revise its legislation to ensure that women and men are equally legally entitled to pass their Indigenous status to their grandchildren.

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

#### **Corporal punishment**

25. The Committee notes the 2019 Road Map to End Violence, but regrets that the Bill S-206, which was aimed at repealing the defence allowing for “reasonable force” under section 43 of the Criminal Code, was not passed. Recalling its general comment No. 8 (2006) on corporal punishment, it urges the State party to:

(a) Repeal Section 43 of the Criminal Code to remove existing authorization of the use of “reasonable force” in disciplining children and explicitly prohibit all forms of violence against all age groups of children within the family, in schools and in other institutions where children may be placed;

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

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

### **Abuse and neglect**

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

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

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

(b) **Ensure that the recommendations of the UN Special Rapporteur on violence against women from its visit to Canada in 2018 on the need for a National Action Plan on violence against women, in particular against Indigenous girls, are implemented as well as the calls for justice for girls, women and LGBT+ of the National Inquiry into Missing and Murdered Indigenous Women and Girls;**

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

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

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

### **Sexual exploitation and abuse**

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

(a) **Provide sufficient support and funding to ensure that all child victims of sexual abuse have access to the multiagency and child-friendly Child and Youth Advocacy Centres;**

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

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

(d) **Establish a plan of action to coordinate and strengthen law enforcement investigation practices on cases of child sexual abuse in prostitution and to vigorously ensure that all cases of missing girls are investigated and prosecuted to the full extent of the law;**

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

### **Harmful practices**

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

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

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

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

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

### **Family environment**

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

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

31. The Committee welcomes the coming into force of Bill C-92 in January 2020 that recognizes Indigenous People's jurisdiction over child and family services and notes the efforts undertaken by the State party to improve the situation of children in alternative care. However, it remains seriously concerned about:

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

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

(c) Different criteria based on socio-economic factors that disproportionately affect Indigenous, African-Canadian, and other children belonging to minority groups are being used across jurisdictions in making decisions on child removal and placement in care;

(d) Indigenous and African-Canadian children being at higher risk of abuse, neglect and violence in alternative care than other children.

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

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

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

(c) Ensure that policies and practices are guided by the principle that financial and material poverty — or conditions directly and uniquely attributable to

such poverty — should never be the sole justification for removing a child from parental care, for receiving a child into alternative care;

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

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

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

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

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

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

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

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

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

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

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

### **Health and health services**

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

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

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

#### **Mental health**

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

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

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

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

#### **Adolescent health**

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

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

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

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

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

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

#### **Standard of living**

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

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

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

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

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

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

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

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

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

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

**Education, including vocational training and guidance**

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

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

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

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

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

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

### **Human Rights Education**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Establish an effective monitoring system for implementation of ILO 138, including the participation of children, access to child-friendly avenues for complaint, and public reports that are accessible to children.

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

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

### **Administration of child justice**

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

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

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

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

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

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

(f) Collect data on children in conflict with the law and children of detainees disaggregated by age, sex, type of offence, ethnic and national origin, geographic location and socioeconomic status, across all federal, provincial, territorial, and municipal governments, in order to develop targeted strategies for addressing systemic discrimination.

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

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

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

(a) Ensure that all crimes under article 2 and 3 of the Optional Protocol are investigated and that perpetrators are prosecuted and sanctioned;

(b) Ensure that all children subject to any form of sale or sexual exploitation are treated as victims and not subject to criminal sanctions;

(c) Further strengthen its measures to prevent and address the online sale of children for the purpose of sexual exploitation and abuse across provinces and territories.

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

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

(a) Consider raising the minimum age of voluntary recruitment into the armed forces to 18 years;

(b) Take immediate measures to repatriate Canadian children from camps in the north-eastern part of the Syrian Arab Republic, and provide them with appropriate assistance for their full physical and psychological recovery and social reintegration.

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

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

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

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

(a) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

(b) International Convention for the Protection of All Persons from Enforced Disappearance;

(c) Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(d) Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

**M. Cooperation with regional bodies**

50. The Committee recommends that the State party cooperate with the Organization of American States (OAS) on the implementation of the Convention and other human rights instruments, both in the State party and in other OAS member States.

**IV. Implementation and reporting**

**A. Follow-up and dissemination**

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

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

52. The Committee recommends that the State party establish a standing government structure and ensure that it has the mandate and the adequate human, technical and financial resources to effectively coordinate and prepare reports to

international and regional human rights mechanisms and to coordinate and track national follow-up to, and implementation of, treaty obligations and the recommendations and decisions emanating from such mechanisms. The Committee emphasizes that such a structure should be adequately and continuously supported by dedicated staff and should have the capacity to consult systematically with the human rights commission and civil society.

### C. Next report

53. The Committee invites the State party to submit its combined seventh and eighth periodic reports by 11 January 2027 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014<sup>2</sup> and should not exceed 21,200 words.<sup>3</sup> In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

54. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document contained in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents<sup>4</sup> and paragraph 16 of General Assembly resolution 68/268.

---

<sup>2</sup> CRC/C/58/Rev.3.

<sup>3</sup> General Assembly resolution 68/268, para. 16.

<sup>4</sup> HRI/GEN/2/Rev.6, chap. I.