

UN CRC	Ratification Date	Care-Related Concluding Observations
CRC/C/CAN/CO/3-4	13 Dec 1991	<p>CRC/C/CAN/CO/3-4</p> <p>6 December 2012</p> <p>http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fCAN%2fCO%2f3-4&Lang=en</p> <p>III. Main areas of concern and recommendations</p> <p>A. General measures of implementation (arts. 4, 42 and 44, para. 6 of the Convention)</p> <p>Data collection</p> <p>20. The Committee notes with concern the limited progress made to establish a national, comprehensive data collection system covering all areas of the Convention. The Committee notes that the complex data collection systems utilize different definitions, concepts, approaches, and structures across provinces and territories, which therefore makes it difficult to assess progress to strengthen the implementation of the Convention. In particular, the Committee notes that the State party report lacked data on the number of children aged 14 to 18 years old placed into alternative care facilities.</p> <p>C. General principles (arts. 2, 3, 6 and 12 of the Convention)</p> <p>Non-discrimination</p> <p>32. While welcoming the State party's efforts to address discrimination and promote intercultural understanding, such as the Stop Racism national video contest, the Committee is nevertheless concerned at the continued prevalence of discrimination on the basis of ethnicity, gender, socio-economic background, national origin and other grounds. In particular, the Committee is concerned at:</p>

		<p>(a) The significant overrepresentation of Aboriginal and African-Canadian children in the criminal justice system and out-of-home care;</p> <p>(b)</p> <p>(b) The serious and widespread discrimination in terms of access to basic services faced by children in vulnerable situations, including minority children, immigrants, and children with disabilities;</p> <p>33. The Committee recommends that the State party include information in its next periodic report on measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party in follow-up to the Declaration and Program of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, as well as the outcome document adopted at the 2009 Durban Review Conference. The Committee also recommends that the State party:</p> <p>(a) Take urgent measures to address the overrepresentation of Aboriginal and African-Canadian children in the criminal justice system and out-of-home care;</p> <p>(b) Address disparities in access to services by all children facing situations of vulnerability, including ethnic minorities, children with disabilities, immigrants and others;</p> <p>E. Violence against children ((arts 19, 37 (a), 34 and 39 of the Convention)</p> <p>Corporal punishment</p> <p>44. The Committee is gravely concerned that corporal punishment is condoned by law in the State party under Section 43 of the Criminal Code. Furthermore, the Committee notes with regret that the 2004 Supreme Court decision <i>Canadian Foundation for Children, Youth and the Law v. Canada</i>, while stipulating that corporal punishment is only justified in cases of “minor corrective force of a transitory and trifling nature,” upheld the law. Furthermore, the Committee is concerned that the legalization of corporal punishment can lead to other forms of violence.</p>
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		<p>opportunities for pregnant girls and teenage mothers so that they can complete their education.</p> <p>Children deprived of a family environment</p> <p>55. The Committee is deeply concerned at the high number of children in alternative care and at the frequent removal of children from their families as a first resort in cases of neglect or financial hardship or disability. The Committee is also seriously concerned about inadequacies and abuses committed within the alternative care system of the State party, including:</p> <ul style="list-style-type: none"> (a) Inappropriate placements of children because of poorly researched and ill-defined reasons for placement; (b) Poorer outcomes for young people in care than for the general population in terms of health, education, well-being and development; (c) Abuse and neglect of children in care; (d) Inadequate preparation provided to children leaving care when they turn 18; (e) Inadequate screening, training, support and assessment of care givers; (f) Aboriginal and African Canadian children often placed outside their communities. <p>56. The Committee urges the State party to take immediate preventive measures to avoid the separation of children from their family environment by providing appropriate assistance and support services to parents and legal guardians in performance of child-rearing responsibilities, including through education, counselling and community-based programmes for parents, and reduce the number of children living in institutions. Furthermore, the Committee calls upon the State party to:</p> <ul style="list-style-type: none"> (a) Ensure that the need for placement of each child in institutional care is always assessed by competent, multidisciplinary teams of professionals and that the initial decision of placement is done for the shortest period of time and subject to judicial review by a civil court, and is further reviewed in accordance with the Convention;
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		<p>ensure compliance with the Convention and the Hague Convention on Protection of Children and Cooperation in Respect of Inter-Country Adoption;</p> <p>(b) Amend its legislation without delay to ensure that information about the date and place of birth of adopted children and their biological parents are preserved;</p> <p>(c) Provide detailed information and disaggregated data on domestic and international adoptions in its next periodic report.</p> <p>G. Disability, basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) of the Convention)</p> <p>Children with disabilities</p> <p>59. The Committee welcomes the ratification of the Convention on the Rights of Persons with Disabilities in 2010. While recognizing that progress has been made on the inclusion of children with disabilities within the State party, the Committee is deeply concerned that:</p> <p>(c) The cost of caring for children with disabilities often has a negative economic impact on household incomes and parental employment and some children do not have access to the necessary support and services;</p> <p>(d) Children with disabilities are more than twice as vulnerable to violence and abuse as other children and despite an overall drop in homicide rates among the general population, there appears to be an increase in homicide and filicide rates against people with disabilities.</p> <p>60. The Committee recommends that the State party implement the provisions of the Convention on the Rights of Persons with Disabilities and in light of its general comment No. 9 (2006), the Committee urges the State party to:</p> <p>...</p> <p>(c) Ensure that children with disabilities, and their families, are provided with all necessary support and services in order to ensure that financial constraints are not an obstacle in accessing services and that household incomes and parental employment are not negatively</p>
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		<p>affected; (d) Take all the necessary measures to protect children with disabilities from all forms of violence.</p> <p>H. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)</p> <p>Early childhood education and care</p> <p>71. The Committee is concerned that despite the State party's significant resources, there has been a lack of funding directed towards the improvement of early childhood development and affordable and accessible early childhood care and services. The Committee is also concerned at the high cost of childcare, the lack of available places for children, the absence of uniform training requirements for all childcare staff and of standards of quality care. The Committee notes that early childhood care and education continues to be inadequate for children under four years of age. Furthermore, the Committee is concerned that the majority of early childhood care and education services in the State party are provided by private, profit-driven institutions, resulting in such services being unaffordable for most families.</p> <p>72. Referring to its general comment No. 7 (2005), the Committee recommends that the State party further improve the quality and coverage of its early childhood care and education, including by:</p> <ul style="list-style-type: none"> (a) Prioritizing the provision of such care to children between the age of 0 and 3 years, with a view to ensuring that it is provided in a holistic manner that includes overall child development and the strengthening of parental capacity; (b) Increasing the availability of early childhood care and education for all children, by considering providing free or affordable early childhood care whether through State-run or private facilities; (c) Establishing minimum requirements for training of child care workers and for improvement of their working conditions; (d) Conducting a study to provide an equity impact analysis of current expenditures on early childhood policies and programmes, including all child benefits and transfers, with a focus on
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		<p>children with higher vulnerability in the early years.</p> <p>I. Special protection measures (arts. 22, 30, 38, 39, 40, 37 (b)-(d), and 32-36 of the Convention)</p> <p>Asylum-seeking and refugee children</p> <p>73. The Committee welcomes the State party's progressive policy on economic migration. Nevertheless, the Committee is gravely concerned at the recent passage of the law entitled, Protecting Canada's Immigration System Act, in June 2012 authorizing the detention of children from ages 16 to 18 for up to one year due to their irregular migrant status. Furthermore, the Committee regrets that notwithstanding its previous recommendation (CRC/C/15/Add.215, para. 47, 2003), the State party has not adopted a national policy on unaccompanied and asylum-seeking children and is concerned that the Immigration and Refugee Protection Act makes no distinction between accompanied and unaccompanied children and does not take into account the best interests of the child. The Committee is also deeply concerned that the frequent detention of asylum-seeking children is being done without consideration for the best interests of the child. Furthermore, while acknowledging that a representative is appointed for unaccompanied children, the Committee notes with concern that they are not provided with a guardian on a regular basis. Additionally, the Committee is concerned that Roma and other migrant children often await a decision about their deportation, in an uncertain status, for prolonged periods of time, even years.</p> <p>74. The Committee urges the State party to bring its immigration and asylum laws into full conformity with the Convention and other relevant international standards and reiterates its previous recommendations (CRC/C/15/Add.215, para. 47, 2003). In doing so, the State party is urged to take into account the Committee's general comment No. 6 (2005) on. In addition, the Committee urges the State party to:</p> <ul style="list-style-type: none"> (a) Reconsider its policy of detaining children who are asylum-seeking, refugees and/or irregular migrants; and ensure that detention is only used in exceptional circumstances, in keeping with the best interests of the child, and subject to judicial review; (b) Ensure that legislation and procedures use the best interests of the child as the primary consideration in all immigration and asylum processes, that determination of the best
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		<p>interests is consistently conducted by professionals who have been adequately applying such procedures;</p> <p>(c) Expeditiously establish the institution of independent guardianships for unaccompanied migrant children;</p>
		<p>Country Report</p> <p>CRC/C/CAN/3-4</p> <p>20 November 2009</p> <p>http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fCAN%2f3-4&Lang=en</p>
OPSC to CRC	Ratification Date	Care-Related Concluding Observations
	14 Sep 2005	
OPAC to CRC	Ratification Date	Care-Related Concluding Observations
	7 Jul 2000	
ICCPR	Ratification Date	Care-Related Concluding Observations
	19 May 1976	
ICESCR	Ratification Date	Care-Related Concluding Observations
E/C.12/CAN/CO/4	19 May 1976	22 May 2006
E/C. 12/CAN/CO/5		http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fCAN%2fC

		<p>O%2f4&Lang=en</p> <p>http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fCAN%2fC.O%2f5&Lang=en</p> <p>D. Principal subjects of concern</p> <p>24. The Committee notes with concern that low-income families, single-mother-led families and Aboriginal and African Canadian families, are overrepresented in families whose children are relinquished to foster care. The Committee is also concerned that women continue to be forced to relinquish their children into foster care because of inadequate housing.</p> <p>E. Suggestions and recommendations</p> <p>56. The Committee recommends that the State party gather disaggregated statistical data in relation to the relinquishment to foster care of children belonging to low-income families, single-mother-led families, and Aboriginal and African Canadian families in order to accurately assess the extent of the problem. The Committee further recommends that, in accordance with the provisions of article 10 of the Covenant on the protection of families, the federal, provincial and territorial governments undertake all necessary measures including through financial support, where necessary, to avoid such relinquishment.</p>
CEDAW	Ratification Date	Care-Related Concluding Observations
	18 Oct 2002	
CRPD	Ratification Date	Care-Related Concluding Observations
	11 Mar 2010	CRPD/C/CAN/CO/1
		8 May 2017

		<p>http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fCAN%2fCO%2f1&Lang=en</p> <p>III. Principal areas of concern and recommendations</p> <p>B. Specific rights (arts. 5-30)</p> <p>Children with disabilities (art. 7)</p> <p>17. The Committee commends the support programme adopted in Quebec aimed at providing independent living for young persons of up to 21 years of age who are not autonomous, i.e., unable to stay at home on their own, as well as the network for “integrating” children with high-level support requirements in childcare services. However, the Committee notes with concern that the Government of Canada has not collected data on children with disabilities since 2006. It also notes that there are now more indigenous children in the care of Canadian services than there ever were in residential schools. It is further concerned about the lack of criteria established for applying the principle of the best interests of the child in actions concerning children with disabilities.</p> <p>18. The Committee recommends that the State party:</p> <ul style="list-style-type: none"> (a) Collect disaggregated information on the situation of and discrimination faced by children with disabilities, particularly indigenous children with disabilities, so as to formulate targeted programmes to tackle the exclusion they face; (b) Ensure earmarked budget allocations for children with disabilities in periodic expenditure programmes at all levels of administration and introduce monitoring indicators for such allocations; (c) Provide indigenous children with access to schools so as to limit their overrepresentation in Canadian welfare services. This can be achieved through direct communication with indigenous communities, as such communication will lead to a more issue-specific resolution; <p>Freedom from exploitation, violence and abuse (art. 16)</p> <p>33. The Committee is concerned about:</p>
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		<p>...</p> <p>(c) The lack of information about measures to prevent violence against persons with disabilities in family settings and against persons living in institutions.</p> <p>34. The Committee recommends that the State party:</p> <p>(b) Strengthen support and services for parents of children with disabilities in order to prevent abuse and violence;</p> <p>(c) Set up a mechanism to monitor federal-, provincial- and territorial-level facilities and programmes designed to serve persons with disabilities, in accordance with article 16 (3) of the Convention.</p> <p>Living independently and being included in the community (art. 19)</p> <p>37. The Committee commends the steps taken by different provinces in the State party towards deinstitutionalization, and welcomes in particular the information that Ontario closed its last residential institution for persons with “developmental” disabilities in 2009. However, the Committee is concerned that persons with disabilities continue to be placed in institutions in many provinces, such as Alberta, British Columbia, Manitoba, Nova Scotia, Prince Edward Island and Quebec, and in the territories. It is also concerned about the lack of adequate services and support available to persons with disabilities within the over 600 First Nation communities in the State party.</p> <p>38. The Committee recommends that the State party:</p> <p>(a) Adopt national guidelines on, and provide on a continuous basis advice to provincial and territorial jurisdictions towards, the recognition of the right to live independently and be included in the community as a subjective and enforceable right for persons with disabilities, reaffirming the principle of respect for the individual autonomy of persons with disabilities and their freedom to make choices about where and with whom to live;</p> <p>(b) Adopt a human rights-based approach to disability in all housing plans and policies at all levels. To that end, the State party should increase the availability of affordable and accessible housing units for persons with psychosocial and intellectual disabilities, as well as support services;</p> <p>(c) Ensure that provincial and territorial jurisdictions set up strategies with time frames to close institutions and replace them with a comprehensive system of support for independent living,</p>
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		<p>including home support and personal assistance for persons with disabilities; (d) Ensure that accessibility legislation, plans and programmes include the accessibility of services and facilities with the aim of facilitating the inclusion of persons with disabilities in the community and preventing their isolation and institutionalization; (e) Ensure appropriate service provision within First Nation communities (on reserves) to individuals with intellectual and/or psychosocial disabilities.</p> <p>Respect for private and family life (art. 23)</p> <p>41. The Committee is concerned that parents with disabilities do not receive adequate and appropriate services and support from provincial and territorial child welfare agencies, resulting in children being removed from the home. It is also concerned that parents of children with disabilities do not receive adequate support to maintain their children in their home, which at times forces them to place their child in foster care, group homes or institutions.</p> <p>42. The Committee recommends that the State party work with the provinces and territories to ensure that parents with disabilities have access to the support and services they require to fulfil effectively their role as parents and that disability is not used as a reason to place their children in care or remove their child from the home. The Committee further recommends that the State party consider the provision of timely support necessary to maintain the optimal family environment for children with disabilities.</p>
UPR	Date of Consideration	Link to Page
	26 April 2013	http://www.ohchr.org/EN/HRBodies/UPR/Pages/CASession4.aspx
Hague Intercountry Adoption	Ratification Date	Link to Country Profile
	19 Dec 1996	http://www.hcch.net/index_en.php?act=states.details&sid=28

Acronyms and Abbreviations:

CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CRC	Convention on the Rights of the Child/Committee on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
OPAC to CRC	Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict
OPSC to CRC	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
UN	United Nations
UPR	Universal Periodic Review