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# **Convention on the Rights of the Child**

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**Third and Fourth Reports of Canada**

Covering the period  
January 1998 – December 2007

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\* In geographical order, from east to west

## List of Acronyms

|          |   |
|----------|---|
| ACS      | Aboriginal Children's Survey  |
| AHI      | Affordable Housing Initiative   |
| AHTF     | Aboriginal Health Transition Fund   |
| ASD      | Autism Spectrum Disorders   |
| AYSPS    | Aboriginal Youth Suicide Prevention Strategy                                      |
| CAS      | Children's Aid Societies  |
| CDS      | Cognitive Disabilities Strategy   |
| CEDAW    | <i>Convention on the Elimination of All Forms of Discrimination against Women</i> |
| CECSC    | Canadian Education Statistics Council   |
| CEYE     | Centre of Excellence for Youth Engagement   |
| CIDA     | Canadian International Development Agency   |
| CFSA     | <i>Child and Family Services Act</i>  |
| CFSA's   | Child and Family Services Authorities   |
| CIRSE    | Refundable Tax Credit for Child Assistance  |
| CMEC     | Council of Ministers of Education, Canada   |
| CNFASDP  |   |
| CNPA     | Canada's National Plan of Action  |
| CPA      | <i>Community Plan Assessment</i>  |
| CRC      | <i>Convention on the Rights of the Child</i>                                      |
| CRED-PRO | Child Rights Education for Professionals  |
| CTC      | Child Tax Credit  |
| CYFE Act | <i>Child, Youth and Family Enhancement Act</i>                                    |
| CYMH     | Child and Youth Mental Health Plan  |
| DFNAs    | Delegated First Nation Agencies   |
| ECD      | Early Childhood Development   |
| EIA      | Employment and Income Assistance  |
| ELCC     | Early Learning and Child Care   |
| FAS      | Fetal Alcohol Syndrome  |
| FASD     | Fetal Alcohol Spectrum Disorder   |
| FAS/E    | Fetal Alcohol Syndrome and its effects  |
| FNHP     | <i>Tripartite First Nations Health Plan</i>                                       |
| FNPPU    | First Nations Programs and Partnerships Unit                                      |
| F-P/T    | Federal-Provincial/Territorial  |
| FRPs     | Family Resource Programs  |
| FSCD Act | <i>Family Support for Children with Disabilities Act</i>                          |
| HCI      | Healthy Children Initiative   |
| HCM Act  | <i>The Healthy Child Manitoba Act</i>   |

|          |   |
|----------|---|
| HIV      | Human Immunodeficiency Virus  |
| HPS      | Homelessness Partnering Strategy  |
| HSIF     | Human Services Integration Forum  |
| ICCPR    | <i>International Covenant on Civil and Political Rights</i>   |
| ICESCR   | <i>International Covenant on Economic, Social and Cultural Rights</i>   |
| IRSCO    | Intensive Rehabilitative Custody and Supervision Order  |
| ISSP     | Intensive Support and Supervision Program   |
| ISQ      | Institut de la statistique du Québec  |
| MBM      | Market Basket Measure   |
| MLO      | Mi'kmaq Liaison Office  |
| MSP      | Medical Services Plan   |
| NCB      | National Child Benefit  |
| NGO      | Non-governmental Organizations  |
| NHI      | National Homeless Initiative  |
| NLCB     | Newfoundland and Labrador Child Benefit   |
| NWTCB    | Northwest Territories Child Benefit   |
| OCB      | Ontario Child Benefit   |
| OCYA     | Office of the Child and Youth Advocate  |
| OHSA     | <i>Occupational Health and Safety Act</i>   |
| OMSSA    | Ontario Municipal Social Services Association   |
| OP-AC    | <i>Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict</i>                  |
| OP-SC    | <i>Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography</i> |
| PAFV Act | <i>Protection Against Family Violence Act</i>   |
| PNP      | Provincial Nominee Program  |
| PSECA    | <i>Protection of Sexually Exploited Children Act</i>  |
| QPIP     | Québec Parental Insurance Plan  |
| RDSP     | Registered Disability Savings Plan  |
| SAFE     | Structured Analysis Family Evaluation   |
| SEP      | Shelter Enhancement Program   |
| SSL      | Student Support Leadership  |
| UCCB     | Universal Child Care Benefit  |
| UNHCR    | UN High Commissioner for Refugees   |
| WITB     | Working Income Tax Benefit  |
| YCJA     | <i>Youth Criminal Justice Act</i>   |

|       |                                  |
|-------|----------------------------------|
| YICN  | Youth in Care Networks           |
| YMHCW | Youth Mental Health Court Worker |
| YPP   | Young Parent Programs            |
| YRAP  | Youth Restorative Action Project |

# **Part I**

## **Introduction**

1. The present report outlines key measures adopted in Canada from January 1998 to December 2007, to enhance implementation of the *Convention on the Rights of the Child* (CRC) and the *Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict* (OP-AC). As Canada updated the Committee on the Rights of the Child during its September 2003 appearance, the primary focus of this report is from October 2003 to December 2007 (with occasional references to developments of special interest since December 2007).
2. In order to improve the relevance of reporting to United Nations treaty bodies, this report focuses on selected key issues where there have been significant new developments and where information has not already been provided within reports under other treaties to which Canada is a party. Where detailed information is available in other reports, these reports are referred to, but, with few exceptions, the information is not repeated in this report. This report focusses on the following key issues:
  - General measures of implementation and monitoring;
  - Social policy issues, including family support and alternative care, violence, abuse, neglect, child care, child poverty, and housing;
  - Use of minor corrective force and alternatives to physical discipline of children;
  - Youth justice and detention;
  - Health, education and culture;
  - Trafficking and exploitation of children;
  - Aboriginal, immigrant and refugee children; and
  - Involvement of children in armed conflict.
3. These issues were identified through an examination of the 2003 Concluding Observations of the Committee on the Rights of the Child by implicated federal departments and the Continuing Committee of Officials on Human Rights, the principal federal-provincial/territorial (F-P/T) body responsible for intergovernmental consultations and information sharing on the ratification and implementation of international human rights treaties.
4. The views of over 100 non-governmental organizations (NGOs) were sought with respect to the issues to be covered in this report. Organizations were also encouraged to forward the correspondence to other interested organizations. The following organizations responded to the invitation: The Canadian Coalition for the Rights of Children; UNICEF Canada; Institute of Marriage and Family Canada; BC Aboriginal Child Care Society; Attawapiskat First Nations Education Authority; First Call: BC Child and Youth Advocacy Coalition; Society for Children and Youth of BC; Canadian Parks and Recreation Association; Adoption Council of Canada; BC Government and Service Employees' Union; Child Care Advocacy Association of Canada; Elizabeth Fry Society of Canada; First Nations Summit; First Nations Education Steering Committee; Pivot Legal Society; National Alliance for Children and Youth; and Health Council of Canadians. Comments received focussed on reporting and follow-up to the Concluding Observations; the need for disaggregated data; enhanced civil society and youth engagement; coordination and monitoring mechanisms; training on the CRC; spending on

children (particularly vulnerable populations); health; culture; education; child care; children with disabilities; Aboriginal children; children in armed conflict; child poverty; international development; a national children's commissioner; municipal programs and policies; and youth justice.

5. Information on significant Canadian jurisprudence relevant to the CRC can be found in Appendix 1 to the present report.
6. Federal, provincial and territorial governments routinely consult with civil society in the development of legislation, policies and programs that relate to the provisions of the CRC. Examples of such consultations are included in Appendix 2.
7. Detailed information on the implementation of human rights in Canada and Canadian federalism can be found in Canada's Fourth Report on the *International Covenant on Economic, Social and Cultural Rights* as well as Canada's Core Document.

## Overview

8. During the reporting period, there were improvements in the situation of Canadian children. For example, the number and percentage of children living in low-income homes declined. Some 865,000 children under 18 years of age lived in low-income families in 2004, compared with 1.3 million in 1996. The percentage of children in low-income families fell from a peak of 19 percent in 1996 to 13 percent in 2004. Although challenges remain, governments continue to make concerted efforts to improve the lives of children in Canada and further enhance the implementation of the CRC ([www41.statcan.ca/2007/20000/ceb20000\\_000-eng.htm](http://www41.statcan.ca/2007/20000/ceb20000_000-eng.htm) – see also reports in the “Related information” section on the side bar).
9. In August 2007, the Government of Canada released its third report on the well-being of Canada's young children aged 0 to 5. The report, based largely on data from 2002-2003, and issued pursuant to the Federal-Provincial/Territorial Early Childhood Development Agreement of 2000, reports on a common set of indicators to provide an overview of the well-being of young children and the families and communities in which they are growing up including development and health indicators ([www.socialunion.ca/well\\_being/2007/en/index.shtml](http://www.socialunion.ca/well_being/2007/en/index.shtml)).
10. Provincial and territorial governments have independent jurisdiction over many aspects of civil life and social well-being, and protection laws and policies are found in all provinces and territories.
11. For example, with respect to employment of children, each province and territory has laws and regulations prohibiting or restricting the employment of children from work likely to be injurious to their life, health, education, welfare, and physical development. Provincial and territorial legislation provides for mandatory school attendance until at least age 16, restricts hours of work, and sets minimum ages for employment in



hazardous occupations or environments. Each government provides for inspectors and appropriate mechanisms to enforce laws in these areas.

12. With respect to education, all children who have made claims for refugee protection in Canada, including unaccompanied children, are authorized to study at the pre-school, primary and secondary level at no cost.
13. In 2004, a workshop was held to review the issues and challenges related to ratification of International Labour Organization *Convention 138 on Minimum Age for Admission to Employment*, which confirmed a high degree of conformity with the Convention's major principles in all Canadian jurisdictions. The Government of Canada and the provincial and territorial governments continue to consider the possible ratification of this Convention.
14. Initiatives throughout jurisdictions include: enhancements to legislation to recognize the principle of the best interests of the child; enhanced coordination in services for children; and the creation or enhancement of independent oversight bodies responsible for children. These measures are outlined in the individual government reports contained herein.
15. Most provinces and territories have established independent children's commissioners, advocates or ombudspersons; a list is provided in Appendix 3.

## Statistical Information

16. In 2007, there were an estimated 6,941,011 children under 18 years of age in Canada. Census data from 2006 indicates that there were 599,945 children under 18 years of age of Aboriginal ancestry in Canada. Appendix 4 contains further detailed statistics on Canadian children, disaggregated by sex, age, province or territory, area of residence, family type, household income level, disability, youth in custody, and *Criminal Code* offences.

## Canada's Reservations to the Convention

17. The rationale behind Canada's reservations to articles 21 and 37(c) remains unchanged since Canada's last report. In June 2007, the Government of Canada released a consultation paper on the pre-trial detention of youth under the *Youth Criminal Justice Act* (YCJA), which raised the issue of whether the Act should prohibit placing youth and adults in the same facility. In 2008, the Government launched a review of the YCJA in which the Minister of Justice met with provincial counterparts, conducted a series of roundtables across Canada, and accepted written submissions from stakeholders and the public on youth justice issues; however, no specific consideration is being given to the removal of Canada's reservation to article 37(c) at this time.

## Federal-provincial/territorial collaboration

18. Federal, provincial and territorial governments collaborate through various F-P/T fora on legislation, policies and programs that serve to implement the provisions of the CRC. Some committees, like the Continuing Committee of Officials on Human Rights referred to above, discuss general issues, while others focus on specific issues. For example:
- Under the Provincial-Territorial Protocol on Children and Families Moving Between Provinces and Territories, information with respect to persons needing or receiving protection services can be shared across jurisdictional boundaries, to the extent permitted by provincial/territorial legislation.
  - The Provincial-Territorial Directors of Early Childhood Education and Care Committee aims to improve policies and practices related to the development, funding, and delivery of high quality early childhood services in Canada. The Committee acts as a forum for exchange of information among Directors of Early Childhood Education and Care, related P/T and F-P/T Committees, and engages with national stakeholders regarding best practices and current research.
  - The Joint Consortium for School Health brings together key federal, provincial and territorial government representatives responsible for health and education to facilitate a comprehensive and coordinated approach to promoting health in schools.
  - The Canada Northwest Fetal Alcohol Spectrum Disorder Partnership is an alliance of seven jurisdictions (British Columbia, Alberta, Saskatchewan, Manitoba, Nunavut, Northwest Territories, and Yukon), that works towards the development and promotion of an interprovincial/territorial approach to prevention, intervention, care and support of individuals affected by Fetal Alcohol Spectrum Disorder (FASD). In addition, the partnership funds the Canada Northwest FASD Research Network.
  - The Council of Ministers of Education, Canada (CMEC) is an intergovernmental body composed of provincial and territorial ministers responsible for elementary, secondary, and advanced education. Through CMEC, ministers share information and undertake projects in areas of mutual interest and concern. One of the priority areas for CMEC is Aboriginal education; working in partnership with the federal government, Aboriginal communities and leaders, it seeks to improve outcomes for Aboriginal students in Canada.  
([www.cmec.ca/Publications/Lists/Publications/Attachments/71/BackgrounderAboriginalEducation.en.pdf](http://www.cmec.ca/Publications/Lists/Publications/Attachments/71/BackgrounderAboriginalEducation.en.pdf)).
19. A number of tripartite agreements have been signed between the Government of Canada, several provincial and territorial governments, and First Nations organizations that facilitate the delivery of enhanced and culturally appropriate services in areas such as health, child welfare, housing and education. Examples include the British Columbia First Nations Housing Memorandum of Understanding ([www.ainc-inac.gc.ca/ai/mr/is/orh-eng.asp](http://www.ainc-inac.gc.ca/ai/mr/is/orh-eng.asp)), the Tripartite First Nations Health Plan ([---

Introduction](http://www.hc-</a></p></div><div data-bbox=)

sc.gc.ca/fniah-spnia/pubs/services/2007-06\_tripartite\_plan/index-eng.php), the Tripartite Education First Nations Jurisdiction Framework Agreement ([www.ainc-inac.gc.ca/ai/mr/nr/m-a2006/02773bk-eng.asp](http://www.ainc-inac.gc.ca/ai/mr/nr/m-a2006/02773bk-eng.asp)), and the Canada/Prince Edward Island/Mi'kmaq Partnership ([www.ainc-inac.gc.ca/ai/mr/nr/s-d2007/2-2973-eng.asp](http://www.ainc-inac.gc.ca/ai/mr/nr/s-d2007/2-2973-eng.asp)).

## International cooperation

20. The Government of Canada takes a child rights-based approach to international cooperation efforts for children, using the CRC as its guiding framework. Canada aims to increase the realization of the rights of children in partner countries, particularly those in need of special protection, through capacity building, supporting targeted social services, and ensuring meaningful child participation in policy dialogue, research and project implementation.
21. Between 2000 and 2005, the Government of Canada invested \$171 million in new programming related to children's rights and protection through in support of the Canadian International Development Agency's (CIDA) Action Plan on Child Protection ([www.acdi-cida.gc.ca/INET/IMAGES.NSF/vLUIImages/pdf/\\$file/child\\_protection.pdf](http://www.acdi-cida.gc.ca/INET/IMAGES.NSF/vLUIImages/pdf/$file/child_protection.pdf)).
22. Children affected by armed conflict and the exploitation of children are key areas of focus for Canada's international investment in children's rights and protection. As of 2007, the Government of Canada had supported over 120 projects addressing a range of issues related to children and armed conflict, including basic education, demobilization and reintegration of former child soldiers, conflict resolution and health. The first project funded as part of CIDA's Action Plan on Child Protection was a multi-country study on girls in fighting forces. As a result of the Action Plan, the Government of Canada contributed to policy dialogue at the international level through innovative programming and research that included the participation of children affected by armed conflict.
23. Canada also supports programs and projects for the prevention of sexual exploitation, the sale, trafficking and abduction of children and other forms of exploitation, including the worst forms of child labour. For example, in February 2008, the Government of Canada announced \$2.6 million in funding for the Child Protection Partnership Program, a multi-sector partnership addressing information technology-enabled sexual exploitation in the developing world.
24. Additional details of Canada's international cooperation for children are outlined in sections 4.4 and 5.2 of the *'Plus 5' Review of the 2002 Special Session on Children and World Fit for Children Plan of Action: Response by Canada* ([www.unicef.org/worldfitforchildren/files/Canada\\_WFFC5\\_Report\\_Eng.pdf](http://www.unicef.org/worldfitforchildren/files/Canada_WFFC5_Report_Eng.pdf)).

## **Part II**

### **Measures adopted by the Government of Canada**

## General measures of implementation (Articles 4, 42 and 44)

### Child expenditures

25. The Government of Canada has made important budgetary allocations to advance the rights of children, both through the Government's own programming and by supporting non-governmental organizations that work with children. Reports on Government of Canada resource allocations for children can be found online. For example:
- Government of Canada activities and expenditures for early childhood development and early learning and child care, as well as the well-being of Canada's young are reported on the Social Union Framework web site ([www.socialunion.gc.ca/ecd\\_e.html](http://www.socialunion.gc.ca/ecd_e.html))
  - *The National Child Benefit Progress Report: 2006* ([www.nationalchildbenefit.ca/eng/06/06\\_toc.shtml](http://www.nationalchildbenefit.ca/eng/06/06_toc.shtml))
  - Information on the Child-centred Family Justice Fund ([www.justice.gc.ca/eng/pi/pb-dgp/fs-fi/child-enfan.html](http://www.justice.gc.ca/eng/pi/pb-dgp/fs-fi/child-enfan.html))
  - The Government of Canada's Tax Expenditure Reports ([www.fin.gc.ca/purl/taxexp-e.html](http://www.fin.gc.ca/purl/taxexp-e.html))
  - *2006 Public Accounts of Canada– Volume II (Details of Expenses and Revenues)* ([www.epe.lac-bac.gc.ca/100/201/301/public\\_accounts\\_can/2006/v2pa06-e.pdf](http://www.epe.lac-bac.gc.ca/100/201/301/public_accounts_can/2006/v2pa06-e.pdf))
  - *2007 Public Accounts of Canada– Volume II (Details of Expenses and Revenues)* ([www.epe.lac-bac.gc.ca/100/201/301/public\\_accounts\\_can/2007/P51-1-2007-2E.pdf](http://www.epe.lac-bac.gc.ca/100/201/301/public_accounts_can/2007/P51-1-2007-2E.pdf))
26. Additional measures of the Government of Canada in improving the lives of children are outlined in the Government of Canada's 2007 response to the tenth report of the Standing Senate Committee on Human Rights entitled *Children: The Silenced Citizens*, attached as Appendix 5.

### Data collection and dissemination

27. The Government of Canada regularly collects data on children and makes it available to provincial and territorial governments as well as other stakeholders.
28. In October 2006, the Government of Canada conducted its first Aboriginal Children's Survey (ACS).<sup>1</sup> The ACS collects information on the development and well-being of Aboriginal children under the age of six to assist policy-makers and all persons working with Aboriginal children and youth to assess their specific and unique needs.

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<sup>1</sup> Aboriginal Children's Survey: [www.statcan.gc.ca/pub/89-634-x/89-634-x2008001-eng.htm](http://www.statcan.gc.ca/pub/89-634-x/89-634-x2008001-eng.htm) and [www.statcan.ca/Daily/English/081029/d081029a.htm](http://www.statcan.ca/Daily/English/081029/d081029a.htm)

29. Data from the latest cycle of the National Longitudinal Survey of Children and Youth<sup>2</sup> was released in November 2008. The Survey is described in greater detail in Canada's Second Report on the CRC.
30. The National Evaluation Team for Children is a nation-wide committee that works to gather and share children's health data collected through the Government of Canada's community-based programs, including the Community Action Program for Children, the Canada Prenatal Nutrition Program, and Aboriginal Head Start.
31. The Government of Canada supports non-governmental research groups to undertake surveys, such as the Health Behaviours in School-aged Children Study,<sup>3</sup> which aims to gain insight into the health behaviour and related social contexts of children aged 11 to 15 years, and the Canadian Physical Activity Levels Among Youth Survey,<sup>4</sup> which objectively measures physical activity levels of children and youth.
32. Other key federal data collection, research and evaluation activities are listed in Part 6 of Canada's submission to UNICEF's 'Plus 5' Review of the 2002 Special Session on Children and World Fit for Children Plan of Action ([www.unicef.org/worldfitforchildren/files/Canada\\_WFFC5\\_Report\\_Eng.pdf](http://www.unicef.org/worldfitforchildren/files/Canada_WFFC5_Report_Eng.pdf)).
33. A number of reports regarding the inclusion of persons with disabilities have been published at the following web site:  
[www.hrsdc.gc.ca/en/disability\\_issues/reports/index.shtml](http://www.hrsdc.gc.ca/en/disability_issues/reports/index.shtml).

### **Coordination and monitoring of children's rights**

34. The Government of Canada endeavours to strengthen coordination and monitoring of children's rights through interdepartmental and intergovernmental initiatives. An Interdepartmental Working Group on Children's Rights was created in 2007 to promote a whole-of-government approach to children's rights and to encourage collaboration among federal departments. By ensuring regular discussion of children's rights and related issues, the working group promotes awareness and understanding of the obligations under the *Convention on the Rights of the Child* (CRC) amongst officials.

### **Canada's National Plan of Action for Children**

35. Launched in 2004, Canada's National Plan of Action (CNPA) for children, *A Canada Fit for Children*, was developed in collaboration with children and various sectors of Canadian society, in response to the 2002 UN Special Session on Children. The CNPA is guided by *A World Fit for Children*, but is adapted to reflect key Canadian priorities. Published in English, French and Spanish, the CNPA has been shared as a model for the development of National Plans of Action for children in Latin America.

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<sup>2</sup> National Longitudinal Survey of Children and Youth: [www.statcan.ca/cgi-bin/imdb/p2SV.pl?Function=getSurvey&SDDS=4450&lang=en&db=imdb&dbg=f&adm=8&dis=2](http://www.statcan.ca/cgi-bin/imdb/p2SV.pl?Function=getSurvey&SDDS=4450&lang=en&db=imdb&dbg=f&adm=8&dis=2)

<sup>3</sup> Health Behaviours in School-aged Children Study: [www.phac-aspc.gc.ca/dca-dea/7-18yrs-ans/hbschealth-eng.php](http://www.phac-aspc.gc.ca/dca-dea/7-18yrs-ans/hbschealth-eng.php)

<sup>4</sup> Canadian Physical Activity Levels Among Youth Survey: [www.cflri.ca/eng/programs/canplay/index.php](http://www.cflri.ca/eng/programs/canplay/index.php)

## Promoting awareness and understanding of the Convention

36. The Government of Canada provides funding support to non-profit organizations to promote the Convention. For example, funding was provided to support the production of a child-friendly version the *Optional Protocol on the Involvement of Children in Armed Conflict*. Funds are also provided to host conferences as well as events aimed at reaching vulnerable populations. For example, the West Coast Legal Education and Action Fund provided training for First Nations youth facilitators, adults and community workers on the provisions of the CRC. Two university conferences targeting decision-makers were held in 2006 and 2007 to encourage in-depth discussion on implementation of children's rights in Canada.
37. Canada provides reports under the CRC and the Concluding Observations issued by the Committee on the Rights of the Child to relevant federal departments and all provincial and territorial governments. They are available to the public online and print copies are distributed on request free of charge ([www.pch.gc.ca/pgm/pdp-hrp/docs/crc-eng.cfm](http://www.pch.gc.ca/pgm/pdp-hrp/docs/crc-eng.cfm)).

## Definition of the child (Article 1)

38. The definition of the word "child" in the *Income Tax Act* was amended when the *Civil Marriage Act* (S.C. 2005, c. 33, [www.canlii.org/ca/sta/c-31.5/](http://www.canlii.org/ca/sta/c-31.5/)) received Royal Assent in 2005, removing the last remaining reference in federal law to illegitimacy.

## General principles (Articles 2, 3, 6 and 12)

### Non-discrimination

39. The Government of Canada undertakes initiatives to enhance respect for and awareness of Canada's cultural diversity and to promote the elimination of barriers that discriminate and keep individuals from fully participating in Canadian society. For example, youth are engaged in promoting intercultural understanding through activities such as the National Video Contest, "Stop Racism!" The Canada Welcoming Communities Initiative supports anti-racism activities and promotes the full participation of newcomers, including children, in Canadian society. Multicultural events and initiatives are also undertaken as part of Black History Month and Asian Heritage Month.

### Best interests of the child

40. The best interests of the child are an important consideration in the development of legislation, programs and policies that concern children.
41. Within land claims and self-government agreements, the Government of Canada ensures that the best interests of the child are taken into account in the exercise of Aboriginal jurisdiction. An example is the 2003 *Tlicho Agreement* which states that "The Tlicho

Government has the power to enact laws in relation to... child and family services for Tlicho Citizens on Tlicho lands or in a Tlicho community, provided that such laws provide for standards, including standards for the application of the principle of acting in the best interests of the child”<sup>5</sup> (Article 7.4.4 g)).

### **Training of professionals**

42. The best interests of the child have been specifically addressed in training offered to government officials, including domestic and overseas immigration and port of entry officers, government lawyers, and legislative drafters.
43. The Government of Canada funds conferences and publications, including the development of online content, targeting professionals working with children. For example, in 2004, the government funded two forums for policy-makers in the federal and provincial governments on the provisions of the CRC, including those related to the best interests of the child.
44. The Government of Canada also contributes to the training of professionals in child rights through the Child Rights Education for Professionals (CRED-PRO) initiative of the International Institute for Child Rights and Development at the University of Victoria, British Columbia. CRED-PRO develops educational programs for child health professionals on a rights-based approach to child and family care. In May 2007, the Government of Canada was part of an international team that launched joint Government/Paediatric Society pilot projects in four South-American countries. A similar pilot project is being developed for Canada aimed at infusing a child-rights approach in child health policy, standards, training, and services through education for health and allied health professionals.

### **Civil rights and freedoms (Articles 7, 8, 13-17 and 37)**

45. On December 23, 2007, *An Act to amend the Citizenship Act* came into force, enabling persons adopted by a Canadian citizen to apply for citizenship without first becoming a permanent resident of Canada. The intent is to reduce the distinction in eligibility for Canadian citizenship that existed between foreign-born adopted children and children born abroad to Canadian parents. In order to prevent child trafficking and abduction, the Act requires that the adoption be legal and in the best interests of the child.
46. Further amendments to the *Citizenship Act*, adopted on April 17, 2008, restore citizenship to persons who were Canadian citizens on or after January 1, 1947, but who subsequently lost their citizenship as a result of previous legislation. The amendments also limit Canadian citizenship by descent to the first generation born outside Canada to a Canadian parent, with certain exceptions. This change was aimed at bringing clarity and certainty to the law and protecting the value of Canadian citizenship for the future.

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<sup>5</sup> Tlicho Government: <http://www.ainc-inac.gc.ca/al/ldc/ccl/fagr/nwts/tliagr/tliagr-eng.asp>



## **Family environment and alternative care (Articles 5, 9-11, 18-21, 25, 27 and 39)**

### **Adoption, search for birth parents and access to parental medical history**

47. Canada has contributed to the development of *The Guide to Good Practice under the Hague Convention of 29 May 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption Implementation*. The Guide has been developed to assist Contracting States with the practical implementation of the Convention.
48. The *Assisted Human Reproduction Act* (S.C. 2004, c.2 [www.canlii.org/ca/sta/a-13.4/](http://www.canlii.org/ca/sta/a-13.4/)) ensures the provision of important medical and social information concerning third party donors to children born from assisted human reproduction procedures and/or the parents/legal guardian of such children.

### **Child care and support services**

49. The provinces and territories have jurisdiction over the majority of programs and services for families with young children, including child care. The Government of Canada plays a supporting role by providing a range of child and family benefits and transferring funds to other governments in Canada based on shared goals and objectives. Since 2000, improving and expanding programs and services for young children has been a joint priority for all governments in Canada.
50. The 2000 Early Childhood Development Agreement and 2003 Multilateral Framework on Early Learning and Child Care are described in detail in Canada's Fifth Report on the *International Covenant on Economic, Social and Cultural Rights*.
51. Through funding provided by the Government of Canada, the Child Care Resource and Research Unit periodically releases reports entitled *Early Childhood Education and Care in Canada*, which summarize the sector in each province and territory.<sup>6</sup>
52. In 2006, the Government of Canada released the report *Child Care in Canada*, which provides an overview of child care in Canada as reported by Canadian families ([www.statcan.ca/english/research/89-599-MIE/89-599-MIE2006003.pdf](http://www.statcan.ca/english/research/89-599-MIE/89-599-MIE2006003.pdf)).
53. Since April 2007, 17 First Nations have participated in Single Window Service Delivery Demonstration Projects that will inform future federal coordination and the implementation of single window service delivery of Early Childhood Development programs for Aboriginal Canadians, including day care and other family and child support programs.

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<sup>6</sup> In April 2008, an interim edition of the report entitled *Child Care Space Statistics 2007* was released, presenting child care data for 2006-2007. For additional information please visit: [www.childcarecanada.org/](http://www.childcarecanada.org/)

## **Child and family benefits and other initiatives addressing child poverty**

54. Total federal support to families with children through income benefits and tax measures targeted at children exceeded \$13 billion for 2007-2008, with the majority directed to low- and middle-income families.
55. The National Child Benefit (NCB) Supplement was increased by \$482 plus indexation adjustments between 2003 and 2006. The Monthly School Allowance, an NCB-funded initiative introduced in 2006, aids government-assisted refugee families with children and young adults aged four to 21 years who are attending provincial elementary and secondary education institutions with the recurring and ongoing costs of their children's education.
56. An evaluation of the NCB in October 2004 found clear evidence that the NCB has resulted in significant positive impacts in reducing the incidence of families with children living in low-income conditions, as well as the severity of low-income conditions for those families who continue to live below the low-income threshold. There is evidence of a mixed impact in promoting attachment to the labour market.
57. In 2005, the maximum annual Child Disability Benefit increased to \$2,000 from \$1,681 per child and has been indexed since. In 2006, the maximum was again increased to \$2,300 per child.
58. The Universal Child Care Benefit (UCCB) introduced in 2006, provides direct financial support (\$100 per month for each child under the age of six) to help parents with the costs associated with raising their children. The UCCB is part of the Universal Child Care Plan, which also supports the creation of child care spaces. In 2007, the Government of Canada introduced a 25 percent investment tax credit (to a maximum of \$10,000 per space created) for businesses that create new licensed child care spaces for children of employees and, potentially, for children in the surrounding community.
59. The Registered Disability Savings Plan (RDSP) helps parents and others save to ensure the long-term financial security of a child with a severe disability. The RDSP is a tax-assisted savings vehicle that allows investment income to grow on a tax-deferred basis. The Government of Canada also provides direct assistance through Canada Disability Savings Grants and Canada Disability Savings Bonds.
60. The Child Tax Credit (CTC) and the Working Income Tax Benefit (WITB) were introduced in 2007. The CTC, an investment of \$1.4 billion per year in tax support for families and children, provides up to \$300 of tax relief per child to more than three million Canadian families. The WITB provides tax relief for eligible working low-income individuals and families who are already in the workforce and encourages other individuals to enter the workforce.
61. The Government of Canada's community-based children's programs specifically target vulnerable populations, including Aboriginal children. High rates of poverty, single-

family households, health issues, as well as a lack of social supports, create a gap in life chances between Aboriginal and non-Aboriginal children. Strategic funding is set aside to address emerging public health priorities through resource development and training via the Community Action Program for Children and the Canada Prenatal Nutrition Program, National Projects Fund. Issues addressed through projects funded between 2004 and 2007 include food security, family violence, fathering, attachment, prevention of teen pregnancy, breastfeeding and rural health.

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

62. The Government of Canada is committed to working with the Consular programs and with other States to find avenues for enhanced cooperation to resolve international parental child abduction cases, including finding opportunities to disseminate information.

### **Use of minor corrective force and alternatives to physical discipline of children**

63. In 2004, the Supreme Court of Canada upheld the constitutionality of section 43 of the *Criminal Code*, which provides a defence for children's parents, caregivers and teachers who would otherwise be found guilty of a criminal offence for a minor use of reasonable force in correcting children's behaviour.<sup>7</sup> The section was found to be consistent with Canada's obligations under the CRC. Taking into account, among other things, Canada's obligations under the Convention, the Court set out guidelines that allow only minor corrective force of a transitory and trifling nature to be used. The Supreme Court noted that without section 43, Canada's broad assault law would criminalize force falling short of what would be considered corporal punishment and would risk breaking up families in a way that would be detrimental to children. A fact sheet entitled "The Criminal Law and Managing Children's Behaviour" provides a plain language explanation of the current law and is available at [www.justice.gc.ca/eng/pi/fv-vf/facts-info/mcb-cce.html](http://www.justice.gc.ca/eng/pi/fv-vf/facts-info/mcb-cce.html).
64. The Government of Canada continues to support parenting educational programs that promote the non-physical discipline of children and alternative disciplinary choices. Some examples include an interactive web site launched in 2006 designed for children aged 10 to 15 who are exposed to family violence ([www.familyviolencehurts.gc.ca](http://www.familyviolencehurts.gc.ca)); a five-year investment of \$55.6 million to family violence prevention programs and services on First Nations reserves; and the educational documents *A Newcomer's Introduction to Canada* ([www.cic.gc.ca/english/pdf/pub/newcomer.pdf](http://www.cic.gc.ca/english/pdf/pub/newcomer.pdf)) and *Welcome to Canada: What you should know* ([www.cic.gc.ca/english/resources/publications/welcome/wel-14e.asp#s3](http://www.cic.gc.ca/english/resources/publications/welcome/wel-14e.asp#s3)), which refer to the rights of children and their right to be free of physical abuse.

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<sup>7</sup> *Canadian Foundation for Children, Youth and the Law v. The Attorney General of Canada*, [2004] 1 S.C.R. 76, 2004 SCC 4; <http://scc.lexum.umontreal.ca/en/2004/2004scc4/2004scc4.html>

## **Basic health and welfare (Articles 6, 18, 23, 24, 26 and 27)**

### **Pregnancy and early childhood development**

65. An investment of \$110 million over five years for the Maternal Child Health Program was included in Budget 2005. The program provides home visits and linkages to services for pregnant First Nation and Inuit women and families with young children through projects serving First Nations communities on reserve and in the North.
66. The Government of Canada continues to work to prevent the occurrence of Fetal Alcohol Spectrum Disorder (FASD) and to improve outcomes for those affected. For example, support is provided to First Nations and Inuit communities to develop culturally appropriate, evidence-based and effective prevention and early intervention programs. The FASD Initiative supports the development and dissemination of national guidelines<sup>8</sup> for the screening and diagnosis of the condition, and ensures that those affected can access the required services.

### **Health care for Aboriginal and rural children**

67. The Federal Budget 2005 provided \$1.3 billion over five years to be dedicated to First Nations and Inuit health programs, including new investments for nursing and human capital development on reserve. This includes \$32 million for a national on-reserve immunization strategy.
68. In 2006, the Government of Canada announced the development of pilot projects to test patient wait time guarantees for federally-funded prenatal and diabetes care delivered in First Nations communities on reserve. The pilot projects are currently underway in 19 communities and are based on timeframes defined by clinical practice guidelines. Should those timeframes be exceeded, alternate options for care will be offered.
69. Linkages to community organizations through the Government of Canada's community-based programs provide opportunities for partnerships, participant involvement, and community collaboration in many rural and remote areas across Canada. Outreach services extend the reach of these services to children and parents who cannot attend a centre-based program. In 2005, a Rural Think Tank was funded through the Community Action Program for Children and the Canada Prenatal Nutrition Program National Projects Fund to increase understanding of issues faced by children and families living in rural and remote communities.
70. Launched in 2004, the Children's Oral Health Initiative focuses on communities with poor access to dental services and emphasizes moving from a treatment-based approach to a more balanced prevention and treatment focus.

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<sup>8</sup> Fetal alcohol spectrum disorder: Canadian guidelines for diagnosis: [www.phac-aspc.gc.ca/fasd-etcaf/cdnguidelines-eng.php](http://www.phac-aspc.gc.ca/fasd-etcaf/cdnguidelines-eng.php)

### **Aboriginal youth suicide prevention**

71. The Federal Budget 2005 provided \$65 million over five years to implement the *National Aboriginal Youth Suicide Prevention Strategy*. The Strategy provides direct support to First Nations and Inuit to improve the mental health of youth and to design and deliver community-based suicide prevention plans.

### **Minimizing risks to adolescent health**

72. The Government of Canada continues to work in partnership with First Nations and Inuit to support greater community control and capacity to develop programs to improve health outcomes for both adolescents and their communities.
73. The Government of Canada's community-based programs are designed to address the social determinants of health of vulnerable children and youth experiencing health disparities. The Community Action Program for Children and the Canada Prenatal Nutrition Program count adolescent parents as a priority population.
74. The *Corrections and Conditional Release Act* (S.C. 1992, c. 20, [www.canlii.org/ca/sta/c-44.6/](http://www.canlii.org/ca/sta/c-44.6/)) requires that inmates, including young offenders, be provided with essential health care and with reasonable access to non-essential mental health care that will contribute to the inmate's rehabilitation and successful reintegration into the community, in accordance with professionally accepted standards. In addition, policies are in place to ensure the safety of and intervention for offenders who are suicidal or self-injurious.
75. The Government of Canada recognizes that rates of children and youth who are overweight or obese are high, particularly among First Nations and Inuit children, and has taken action to promote healthy weights specific to this population. The Canada Prenatal Nutrition Program, Aboriginal Head Start, and the Aboriginal Diabetes Initiative promote healthy eating and physical activity, target pregnant women and their families, and train community diabetes prevention workers to facilitate support for healthy lifestyles. The Government of Canada has also developed a healthy-eating food guide tailored to reflect traditions and food choices of First Nations, Inuit and Métis, which complements the 2007 *Canada's Food Guide*.
76. Announced in 2007, Canada's National Anti-Drug Strategy will provide \$30.5 million in funding over five years to increase service effectiveness, serve more people, and improve service quality. The investment will help modernize and enhance First Nations and Inuit addictions programming, allowing for more people to be treated successfully.
77. Funding of \$70 million is provided annually for the National Native Alcohol and Drug Abuse Program and the National Youth Solvent Abuse Program. These two programs fund a network of 61 treatment centres and over 500 community-based prevention programs.

78. The Government of Canada has undertaken a number of research initiatives related to substance abuse and suicide prevention among Aboriginal and other vulnerable youth. These include funding in 2007 of the national "Seeing Oneself" Alcohol Intervention Research Project, focused on reducing crimes associated with youth substance use/abuse; research in the territories on victim needs throughout the criminal justice process, including the needs of Aboriginal youth, resulting in a resource guide of all victim-related services throughout the three territories;<sup>9</sup> and research on Aboriginal youth in custody, specifically on substance abuse and suicide to inform prevention and intervention models.<sup>10</sup>

### **Adequate housing**

79. The Government of Canada is investing one billion dollars under the Affordable Housing Initiative (AHI), with matching funds being provided by provinces and territories and third parties. As of June 30, 2008, \$880 million has been committed and/or announced for the provision of 39,000 units. The Government of Canada also provides \$1.7 billion per year to support approximately 626,000 lower-income households in existing social housing.<sup>11</sup>
80. Aboriginal housing remains a priority for the Government of Canada. An estimated \$272 million a year is provided to address housing needs on-reserve. This funding supports housing construction of approximately 2,300 new homes and renovation of 3,300 existing houses, as well as ongoing subsidies for 27,000 rental units. Budget 2005 committed \$295 million over five years to help address the backlog in housing on reserve.
81. The Federal Budget 2006 provided \$1.4 billion to establish housing trust funds with provinces and territories for investment in affordable housing. This one-time strategic investment includes an affordable housing trust of \$800 million; a Northern housing trust of \$300 million; and a trust for off-reserve Aboriginal housing of \$300 million.
82. In December 2006, the Government of Canada announced \$526 million over two years for housing and homelessness programs, including an investment of \$256 million over two years for renovation assistance programs. The Residential Rehabilitation Assistance Program for Persons with Disabilities assists in improving the accessibility of dwellings to meet the special needs of disabled persons. The Shelter Enhancement Program (SEP) assists in creating, repairing, and improving existing shelters for women, children, and youth as well as men who are victims of family violence.<sup>12</sup> An evaluation of the

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<sup>9</sup> The 2003 report, *Creating a Framework for the Wisdom of the Community: Review of Victim Services in Nunavut, Northwest and Yukon Territories*, is available on-line at [canada.justice.gc.ca/eng/pi/rs/rep-rap/2003/r03\\_vic3/index.html](http://canada.justice.gc.ca/eng/pi/rs/rep-rap/2003/r03_vic3/index.html)

<sup>10</sup> The 2004 report, *A One Day Snapshot of Aboriginal Youth in Custody Across Canada: Phase II*, is available on-line at [canada.justice.gc.ca/eng/pi/rs/rep-rap/2004/yj2-jj2/index.html](http://canada.justice.gc.ca/eng/pi/rs/rep-rap/2004/yj2-jj2/index.html)

<sup>11</sup> For more information, see Article 11: Right to an Adequate Standard of Living in Canada's Fifth Report on the *International Covenant on Economic, Social and Cultural Rights*.

<sup>12</sup> For more information, see Canada's Sixth and Seventh Reports on the *Convention on the Elimination of All Forms of Discrimination against Women*, paragraphs 71 to 75.

programs confirmed that they contribute to the preservation of adequate, affordable housing for Canadian households. From 2003 to 2007, over 105,500 low-income households were served by renovation funding.

83. In April 2007, the Government of Canada announced the creation of a \$300 million First Nations Market Housing fund that will help provide up to 25,000 housing units on-reserve over ten years. In June 2007, an additional \$56 million in funding was announced through a five-year investment in the Family Violence Prevention Program and SEP on-reserve, which includes \$2.2 million for up to five additional shelters on-reserve. Off-reserve, Aboriginal peoples are eligible for all current federal housing initiatives, including the AHI and Housing Renovation Programs.
84. The Government of Canada sponsors, produces and disseminates research on all aspects of housing and living environments, aimed at improving housing quality, affordability, and choice. This includes research on the needs of families with children, youth, Aboriginal peoples, newcomers, and people with disabilities. Some of these are available online at the following address: [www.cmhc.ca/en/corp/li/index.cfm](http://www.cmhc.ca/en/corp/li/index.cfm).

## Homelessness

85. The Homelessness Partnering Strategy (HPS), which succeeds the National Homeless Initiative (NHI), took effect on April 1, 2007, with funding of nearly \$269.6 million over two years to prevent and reduce homelessness in communities across Canada. Many HPS projects are targeted specifically at ensuring that homeless children have access to housing options and appropriate support services.
86. From 1999 to 2008, the NHI/HPS invested \$2.2 million in 13 projects that specifically targeted children and their needs, while 1,142 projects that included children as a sub-population received \$224 million in funding.<sup>13</sup>
87. The HPS and the NHI have focused research investment on the understanding of causes, characteristics and contributing factors to homelessness in Canada. Families with children and youth have remained a research priority under the Homelessness Knowledge Development Program.
88. Previous research identified family violence as a leading cause of homelessness among women with children, and youth. A 2006 survey showed that most women and children residing in transition homes were victims of mainly psychological and physical abuse.<sup>14</sup> HPS-funded research indicates that street youth with a history of family violence are

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<sup>13</sup> Projects include transitional housing for homeless pregnant teens and young mothers and their infants; assistance to at-risk Aboriginal women with children through education training, pre-employment services and work experience; services aimed at decreasing the number of Aboriginal children taken from their mothers and placed in foster care due to a history of family violence in the home; mental health services for homeless children under 12 years old living in family shelters; and expansion of a YWCA facility for women and their children who are homeless or at risk of becoming homeless.

<sup>14</sup> Statistics Canada. (2007). *Transition Home Survey: National Fact Sheet*.

more susceptible to a variety of behavioural problems such as delinquency, prostitution, drug use and addiction, depression, suicide and violence.<sup>15</sup>

89. The HPS has funded knowledge transfer activities on the issue of homelessness among families with children, and youth. For example, the HPS has provided funding to York University to implement the Homeless Hub ([www.homelesshub.ca](http://www.homelesshub.ca)), a web site that helps facilitate the distribution of existing research and best practices addressing homelessness. Research has linked youth homelessness with child abuse and prostitution.

## **Education, leisure and cultural activities (Articles 28, 29 and 31)**

90. In 2008, the Government of Canada announced the Roadmap for Linguistic Duality 2008-2013, which provides \$575 million towards education for minority language communities, including continued support for early childhood education and literacy initiatives. Funding is also provided to programs for children and youth promoting the learning and use of Aboriginal languages, including “Tipatshimuna: Innu Stories of the Land”, an interactive web site on Innu culture that encourages Innu youth to learn more about their culture and foster inter-generational communication ([www.tipatshimuna.ca](http://www.tipatshimuna.ca)).

## **Education for Aboriginal children, rural children and children at risk**

91. The Government of Canada continues to support culturally relevant elementary, secondary and post-secondary education for First Nations and Inuit students, with overall education expenditures increasing from \$1.4 billion in 2003-2004 to \$1.7 billion in 2007-2008. During that period, targeted initiatives were introduced to enhance First Nation education management, improve teacher recruitment and retention and parent and community engagement. In addition to this, partnerships were advanced aimed at improving education outcomes through signed agreements with several provinces and First Nations. These initiatives help to address challenges in educational attainment for First Nation students residing on reserve.
92. The Government of Canada supports community-based, linguistically and culturally appropriate education programming for vulnerable children, including Métis, Inuit and off-reserve First Nations children and the children of recent immigrants and refugees. The Aboriginal Head Start program includes an Aboriginal Language and Culture component specifically designed for Métis, First Nations and Inuit children. The First Nations and Inuit Child Care Initiative provides child care services incorporating traditional cultural practices and language to working First Nations and Inuit parents.
93. The Government of Canada works with First Nations and provinces to develop education partnerships aimed at improving education outcomes. This work has led to the creation of a First Nations education jurisdiction agreement in British Columbia and the signing of

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<sup>15</sup> Novac, Sylvia. (2006). *Family Violence and Homelessness: A Review of the Literature*.



Memoranda of Understanding on education with New Brunswick First Nations and the Province of New Brunswick, and with the First Nations Education Council in Québec.

### **Child rights education**

94. The Government of Canada funded the University of Cape Breton to develop and implement a high school level children's rights curriculum focused on teaching children's rights through art.
95. The Government of Canada has also funded the development of practical tools designed to foster the active participation of youth in school-based decisions that affect them. An example is the *2004 Youth Facilitator Handbook*, an easy-to-use flexible tool designed by youth for students that want to initiate youth engagement within their school ([www.engagementcentre.ca/detail\\_e.php?recordid=282](http://www.engagementcentre.ca/detail_e.php?recordid=282)).

### **Special protection measures (Articles 22, 30 and 32-40)**

#### **Protection of Aboriginal children**

96. Half of the Aboriginal population in Canada is less than 25 years old; whereas 30 percent of all Canadians are under the age of 25. The Aboriginal population grew at nearly six times the rate of the non-Aboriginal population between 1996 and 2006. It is expected that the growth in the Aboriginal population will continue to out-pace that of the general population over the next two decades.
97. The Government of Canada funds First Nations and Inuit communities to deliver evidence-based programs and services to support the development of children in an effort to address gaps in life chances between Aboriginal and non-Aboriginal children. Through a continuum of maternal and child health programming focused on pregnant women, new parents, and children under six years of age, programs such as Aboriginal Head Start and the Canada Prenatal Nutrition Program support the growth of healthy families living on- and off-reserve and in Inuit communities. Activities like screening and assessment, home visits, case management, service coordination, mentoring, nutrition, breastfeeding education, cultural teachings and language training, support children and their families to reach their fullest developmental and lifetime potential.
98. The disproportionately high number of Aboriginal children in state care is part of broader social challenges on reserves, such as poverty, poor housing conditions, substance abuse and exposure to family violence. The Government of Canada is incrementally shifting its child welfare programs for Aboriginal children to a prevention-focused approach. It is expected that all agencies will be using the prevention-focused approach by 2013.

## Protection of refugee children, separated children and unaccompanied children seeking asylum

99. In August 2006, the *Overseas Processing Manual* used by Canadian immigration officers in the context of refugee resettlement was updated to include a new policy on guardianship. This “Guardianship Protocol”<sup>16</sup> establishes procedures for processing children who are *de facto* dependants of a principal applicant or consanguineous minors (separated minors being reunited with an adult blood relative, who is not a parent, in Canada). Recognizing these children as particularly vulnerable, it encourages an adult in a *de facto* or consanguineous relationship with a child to secure legal guardianship and ensures that the relevant authorities closely monitor the well-being of these children. The Protocol ensures that refugee minors being resettled to Canada have the care and protection necessary for their wellbeing, in the context of a bona fide familial relationship.
100. All referrals of consanguineous minors from the UN High Commissioner for Refugees (UNHCR) must include a Best Interests of the Child Determination and all decisions made under the Guardianship Protocol must consider the best interests of the child. Also included in the Protocol is the stipulation that minors must be given the opportunity to express their views about the arrangements being made for them. In the asylum context, Canada’s Immigration and Refugee Board continues to appoint a designated representative in refugee determination proceedings to represent the best interests of unaccompanied children or when there are concerns about the suitability of the parent acting as the designated representative.
101. In April 2008, the Government of Canada updated its protected persons manual, *Processing Claims for Refugee Protection in Canada*, to include age- and gender-sensitive guidelines.<sup>17</sup> The purpose of these guidelines is to support priority processing of the claims of vulnerable persons, including children. The new guidelines respond to a UNHCR recommendation that Canada accord vulnerable cases priority processing.<sup>18</sup>
102. The detention of children is avoided as much as possible whether unaccompanied or accompanied. Alternatives to detention are always considered, with significant weight given to the best interests of the child. Unaccompanied minors are usually released with conditions to the care of child welfare agencies. The average length of detention of children declined by 40 percent in 2007-2008 from the previous fiscal year, due to increased use of alternative arrangements.
103. Refugee children, separated children who are determined not to be in need of protection, but remain in Canada, as well as unaccompanied children seeking refugee protection are entitled to essential health services through the Interim Federal Health Program.

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<sup>16</sup> For more information on the Protocol, see [www.cic.gc.ca/English/refugees/outside/guardianship.asp](http://www.cic.gc.ca/English/refugees/outside/guardianship.asp).

<sup>17</sup> Processing Claims for Refugee Protection in Canada: [www.cic.gc.ca/English/resources/manuals/pp/pp01-eng.pdf](http://www.cic.gc.ca/English/resources/manuals/pp/pp01-eng.pdf) (Chapter 14 and 15)

<sup>18</sup> The UNHCR made this recommendation in the context of its review of the Canada-US Safe Third Country Agreement. See [www.cic.gc.ca/English/departement/laws-policy/partnership/chapter4.asp](http://www.cic.gc.ca/English/departement/laws-policy/partnership/chapter4.asp).

## **Protection of children from sexual exploitation and sexual abuse, and the sale, trafficking and abduction of children**

104. The Government of Canada refers the Committee to its initial report under the *Optional Protocol to the Convention on the Right of the Child on the Sale of Children, Child Prostitution, and Child Pornography*, which includes relevant information to June 2007.

## **Children in conflict with the law**

105. Information on the *Youth Criminal Justice Act (YCJA)* (S.C. 2002, c.1, [www.canlii.org/ca/sta/y-1.5/](http://www.canlii.org/ca/sta/y-1.5/)) is available in Canada's responses to the list of issues on Canada's Fifth Report on the *International Covenant on Civil and Political Rights*.
106. The YCJA requires that a young person found guilty of the most serious violent offences receive an adult sentence unless the youth applies to the youth justice court and satisfies the court that a youth sentence would be sufficient to hold him or her accountable. In May 2008, the Supreme Court of Canada declared this reverse onus provision to be unconstitutional.<sup>19</sup> The Supreme Court also found unconstitutional the requirement that youth charged with serious offences apply for a publication ban.
107. According to youth data from the *Integrated Criminal Court Survey*, after the YCJA came into force on April 1, 2003, the proportion of youth sentenced to incarceration decreased significantly. The proportion of criminal incidents by youth that resulted in a charge also decreased from 56 percent to 45 percent after the YCJA came into force.
108. Under the National Anti-Drug Strategy, support is provided for extra-judicial diversion and treatment programs for youth offenders with drug-related problems at various stages of the criminal justice system, including rehabilitation and reintegration.

## **Optional Protocol on the Involvement of Children in Armed Conflict**

109. Between 2000 and 2005, Canada invested \$171 million in new programming related to children's rights and protection in support of the Canadian International Development Agency's Action Plan on Child Protection. As of 2007, the Government of Canada had supported over 120 projects addressing a range of issues related to children and armed conflict, including basic education, demobilization and reintegration of former child soldiers, conflict resolution and health. The Government of Canada also contributed to policy dialogue at the international level through innovative programming and research that included the participation of children, including children affected by armed conflict.
110. All persons apprehended and detained by the Canadian Forces in a theatre of hostilities are treated humanely and in a manner consistent with international legal standards. In cases where a captured person, suspected of being a juvenile, is unwilling or unable to reveal their date of birth, the person will be assumed to be a juvenile until more detailed

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<sup>19</sup> *R. v. D.B.*, 2008 SCC 25, <http://scc.lexum.umontreal.ca/en/2008/2008scc25/2008scc25.html>. For more details about this decision, see Appendix 1.

checks can be made. Juvenile detainees are segregated from adults. They are at all times treated with due regard to their age and in accordance with Canada's obligations under international humanitarian law.<sup>20</sup>

111. Members of the Canadian Forces must adhere to the *Code of Service Discipline*.<sup>21</sup> It provides that members can be prosecuted for violations of any act prohibited by the *National Defence Act* and its *Regulations and Policies*, as well as by the *Canadian Criminal Code*.
112. With respect to the status of students at the Royal Military College of Canada, there are civilians who take classes at the Royal Military College; however, most students, whether Canadian Forces Regular or Reserve Force members, are members of the Canadian Forces.
113. Under current export control policy guidelines, the Government of Canada closely controls the export of military goods and technology to countries that pose a threat to Canada and its allies; that are involved in or under imminent threat of hostilities; that are under United Nations Security Council sanctions; or whose governments have a persistent record of serious violations of the human rights of their citizens, unless it can be demonstrated that there is no reasonable risk that the goods might be used against the civilian population.<sup>22</sup> An application to export small arms and light weapons to a country where they might be utilized by child soldiers, regardless of whether these children take a direct part in hostilities as members of their armed forces or armed groups that are distinct from the armed forces of a State, would be closely examined. Any available information in this regard would be among the most important considerations of the Minister in reaching a decision on the disposal of such an application.

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<sup>20</sup> *The Prisoner of War and Detainee Handling Manual* provides guidance on this issue: see chapter 3, para. 9, [www.cfd-cdf.forces.gc.ca/sites/page-eng.asp?page=3486](http://www.cfd-cdf.forces.gc.ca/sites/page-eng.asp?page=3486)

<sup>21</sup> See Part III of the *National Defence Act*, [http://laws.justice.gc.ca/eng/N-5/page-3.html#anchorbo-ga:l\\_III](http://laws.justice.gc.ca/eng/N-5/page-3.html#anchorbo-ga:l_III).

<sup>22</sup> More information on Canada's export policies with respect to military goods can be found at [http://www.dfait-maeci.gc.ca/controls-controles/about-a\\_propos/expor/guide.aspx?menu\\_id=72&menu=R](http://www.dfait-maeci.gc.ca/controls-controles/about-a_propos/expor/guide.aspx?menu_id=72&menu=R).

## **Part III**

### **Measures Adopted by the Governments of the Provinces**

## Newfoundland and Labrador

### General measures of implementation (Articles 4, 42 and 44)

#### Child expenditures

114. The Government of Newfoundland and Labrador invests in early intervention and youth support services. Resource allocations, including those under the rubric of the *Poverty Reduction Strategy* specifically for the support of youth at risk can be found in the annual budgets at [www.gov.nl.ca/publicat/](http://www.gov.nl.ca/publicat/).

#### Data collection and dissemination

115. The Newfoundland and Labrador Statistics Agency is the official Statistical Focal Point for the province and is governed by the *Statistics Agency Act* ([www.assembly.nl.ca/legislation/sr/statutes/s24.htm](http://www.assembly.nl.ca/legislation/sr/statutes/s24.htm)), introduced in 1977. The Agency acts as Newfoundland and Labrador's official representative on statistical issues and communicates the needs of the province to Statistics Canada through participation in regular federal-provincial-territorial meetings. The mandate of the Agency is to collect, analyze and publish statistics relating to the activities and conditions of Newfoundland and Labrador and its population and to establish and promote appropriate standards and procedures for the collection and analysis of statistics within government departments. The Agency is also involved in a number of research efforts related to the collection and development of information that have relevance to at-risk populations of children such as the Newfoundland and Labrador Market Basket Measure of Low Income, Profiling At Risk of Homelessness in Newfoundland and Labrador as well as the Community Crime and Safety Account as part of the System of Community Accounts.

#### Coordination and monitoring of children's rights

116. Through its enabling legislation, the *Child and Youth Advocate Act*, SNL2001, c.C-12.01, ([www.assembly.nl.ca/Legislation/sr/statutes/c12-01.htm](http://www.assembly.nl.ca/Legislation/sr/statutes/c12-01.htm)), the Newfoundland and Labrador Office of the Child and Youth Advocate, which is an independent office of the House of Assembly, has the authority to represent the rights, interests and perspectives of children and youth who are entitled to receive services and access programs provided by the provincial government.
117. The Government of Newfoundland and Labrador cooperates on issues related to education through the Provincial Safe and Caring Schools Advisory Team and the Individual Support Services Plan/Pathway Commission.

## Complaint mechanisms

118. The *Child and Youth Advocate Act* was amended in June 2008, to expand the authority of the Child and Youth Advocate to enhance the investigatory powers of the advocate in conducting investigations under the Act.

## Definition of the child (Article 1)

119. On May 26, 2005, Newfoundland and Labrador amended the *Human Rights Code* ([www.assembly.nl.ca/legislation/sr/statutes/h14.htm](http://www.assembly.nl.ca/legislation/sr/statutes/h14.htm)) by adding a new subsection permitting denials or refusals of goods, services, accommodations and facilities to persons under the age of majority where the denial or refusal is required or authorized by another Act or regulation.
120. In December 2005, the Government of Newfoundland and Labrador adopted the *Family Violence Protection Act* ([www.justice.gov.nl.ca/just/Family\\_Violence\\_Protection\\_Act.htm](http://www.justice.gov.nl.ca/just/Family_Violence_Protection_Act.htm)), which came into force on July 1, 2006. Section 2(b) of this Act defines “child” as a child born within or outside marriage who ordinarily or periodically resides with the applicant and is under the age of 19 years and unmarried and includes (i) a child adopted under the *Adoption Act* ([www.assembly.nl.ca/legislation/sr/statutes/a02-1.htm](http://www.assembly.nl.ca/legislation/sr/statutes/a02-1.htm)), (ii) a child whom the applicant has demonstrated a settled intention to treat as a child of his or her family, and (iii) a child in the actual care and custody of the applicant.<sup>23</sup>

## General principles (Articles 2, 3, 6 and 12)

### Non-discrimination

121. Some of the initiatives undertaken by the Government of Newfoundland and Labrador include: the *Safe and Caring Schools Policy* ([www.ed.gov.nl.ca/edu/k12/studentssupportservices/publications/scs\\_prov\\_policy.pdf](http://www.ed.gov.nl.ca/edu/k12/studentssupportservices/publications/scs_prov_policy.pdf)) (2006); training, implementation and support for the School Wide Positive Behaviour

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<sup>23</sup> Note that the *Family Violence Protection Act* provides a new mechanism to protect persons who are threatened with or are the victims of family violence. The Act establishes a simple and quick procedure to allow a victim of family violence to apply to a Provincial Court judge for an emergency protection order. The order could include a number of provisions, including granting the applicant sole occupancy of the residence or use of property, restricting contact between the applicant and respondent, granting temporary custody of children to the applicant and banning publication of the proceedings. The Act provides procedural fairness to the respondent who would have the right to apply for a hearing to set aside the emergency protection order, or to vary or terminate the order in whole or in part and the right to be heard and to examine and cross-examine witnesses in the course of such a hearing. Emergency protection orders would be enforceable by the police and the Act makes it an offence, punishable on summary conviction, to breach a provision of an emergency protection order or to violate an order of the court made under the Act.

Program (2006); re-establishment of the Safe and Caring Provincial Advisory Group (2006); and the implementation of a web site aimed at preventing youth violence ([www.outragenl.ca](http://www.outragenl.ca)).

### **Best interests of the child**

122. The *Child, Youth and Family Services Act* ([www.assembly.nl.ca/Legislation/sr/statutes/c12-1.htm](http://www.assembly.nl.ca/Legislation/sr/statutes/c12-1.htm)) was amended in 2006 to allow for the hiring of a second director in the Labrador portion of the province to deal specifically with the two Innu communities. In 2003, a new Risk Management System was introduced for the protective intervention program provided under the Act. The *Child, Youth and Family Services Policy Manual* was revised in 2006 and from 2006-2008 there have been considerable investments in the program. This has included additional human resources and investments in information technology, training, and quality initiatives aimed at strengthening capacity to deliver programs and services.

### **Training of professionals**

123. In 2006, the Government of Newfoundland and Labrador provided fiscal and human resources to develop and implement a provincial training plan for social workers and supervisors in the Child, Youth and Family Services Program. This resulted in an enhanced orientation for social workers that begin employment. Work has already been completed in training in the area of domestic violence.
124. Youth Care Center Counsellors working at the Newfoundland and Labrador Youth Centre are required to have a minimal standard of training and/or experience to ensure that the basic rules, policies, and procedures are regularly followed. Some of the training sessions attended by staff at the Centre include: Applied Suicide Intervention Skills Training; National Workshop on Drug Treatment; Aboriginal Justice Conference; Crime Prevention; Working Together for Healthy/Safer Families and Communities; Best Practices on Working with Aboriginal Youth; Youth Violence Conference; Fetal Alcohol Spectrum Disorder; and, Train the Trainer in Anger Management and Stopping Bullying.
125. A Multi-Disciplinary Team at the Newfoundland and Labrador Youth Centre have engaged in discussions around the Convention and the Beijing Rules. A project was completed and presentation made to staff on the provisions of the Convention and its comparison with the Newfoundland and Labrador Youth Centre Policies. A detailed analysis of the *Youth Centers Rules Manual, Medical Manual, Social Work Manual* and *Parent Handbook* was undertaken to determine the Centre's adherence to the rights outlined in the Convention. As well, the Convention is included in the *Facility Rules Manual* for the Youth Centre.



## **Family environment and alternative care (Articles 5, 9-11, 18-21, 25, 27 and 39)**

126. Children living in alternative care are provided regular access to their biological parents, siblings or significant others when it is deemed to be in their best interest. Financial, social work, or supervisory support is provided to facilitate access as required. Siblings in alternative care are placed together when possible.

### **Adoption, search for birth parents and access to parental medical history**

127. The provisions of the *Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoptions* were extended to the Province of Newfoundland and Labrador in April 2003.
128. The *Adoption Act*, proclaimed in 2003, is based on the principle of best interest of the child, which is to be paramount in any decision relating to a child. This legislation introduced new provisions for openness in adoption, disclosure of identifying birth information to an adopted person and the birth parent(s) when the adopted person reaches the age of 19.
129. The *Adoption Act* provides for openness agreements in adoption. Complete medical and social histories are gathered on children and provided to adoptive parents. Post-adoption services are available and exchange of information (without direct contact) is facilitated between adopted children and their adopted parents and birth parents. Disclosure of identifying birth information is possible when the adopted person reaches age 19 for all adoptions completed prior to 2003 if the adopted person or the birth parent does not veto release of the information. All adoptions completed after April 2003 will have no veto provision. Persons adopted after April 2003 and their birth parents will be entitled to receive identifying birth information when the adopted person reaches age 19.

### **Child care and support services**

130. Under the Poverty Reduction Strategy, Newfoundland and Labrador has made significant investments in child care services. There has been an emphasis on increasing capacity to provide more child care spaces and the allowable income of parents receiving subsidy has increased, thus allowing more families access to subsidized child care. In an effort to improve services, resources have been put in place to support inclusion of children with special needs in child care settings; training in quality child care has been offered to child care centers; and recruitment and retention measures to attract trained and qualified staff are on-going.

### **Child and family benefits and other initiatives addressing child poverty**

131. The province has two benefit programs designed for assisting children of low-income families. The Newfoundland and Labrador Child Benefit (NLCB), implemented in July, 1999, is a refundable benefit that is available to families with a net income of \$17,397 or

- less. Effective July 1, 2007, the amount available was indexed annually utilizing the Consumer Price Index. Partial benefits are available to families with income levels between \$17,397 and \$22,397. In July 2007, benefits to eligible individuals under the Mother-Baby Nutritional Supplement increased from \$45 per month to \$60 per month. The Supplement is a monthly financial supplement to the NLCB and is available to low-income expectant mothers and families with children under the age of one and is intended to offset the cost of additional nutritional requirements of pregnancy and infancy. During the month of the child's birth, there is an additional one-time payment of \$90.
132. In June 2006, the Government of Newfoundland and Labrador released the Poverty Reduction Strategy, *Reducing Poverty, An Action Plan for Newfoundland and Labrador*. The Strategy is a government-wide approach to transform Newfoundland and Labrador from a province with the most poverty to one with the least over a ten-year period. It includes initiatives and programs which target the groups most vulnerable to poverty.
133. The Government of Newfoundland has undertaken an initiative to create a community- and neighbourhood-level market basket measure (MBM) of low income. Based on the Government of Canada MBM, the new Newfoundland and Labrador MBM of Low Income will examine the level of family income compared to the cost of goods and services required for an adequate standard of living in individual communities across the province. In effect, families and individuals with incomes below the cost of goods and services in their community are defined as being in low income. The availability of this tool to governments and citizens, and in particular the *Poverty Reduction Strategy*, will promote a deeper understanding of where low income is located and to what degree low income exists, its relation to the social and economic landscape of the province's communities and regions, and how best to develop sustainable anti-poverty solutions.
134. The Poverty Reduction Strategy supports a broad mix of policy and programs to prevent, reduce and alleviate poverty. The five main goals of the strategy are improved access to services, a stronger social safety net, improved earned incomes, a strong focus on the needs of children and families, and a better educated population. There is an annual \$100 million investment in this strategy including a series of targeted investments for persons with disabilities, families with low income, women vulnerable to poverty, youth and seniors in the province. Measures include: increased grants for the province's women's centres; increases to the minimum wage; increase and indexation of Income Support rates; and increased availability of family law support services. In order to better protect people who live with poverty from discrimination, changes were made to the *Human Rights Code* to prevent discrimination based on source of income.
135. Additional information on the Poverty Reduction Strategy is available in Canada's Sixth and Seventh Reports under CEDAW.

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

136. The Government of Newfoundland and Labrador follows the international child abduction procedures set out in the Hague Convention. The *1980 Hague Convention on*

*the Civil Aspects of International Child Abduction* has been adopted at section 54 of the *Children's Law Act* ([www.assembly.nl.ca/legislation/sr/statutes/c13.htm](http://www.assembly.nl.ca/legislation/sr/statutes/c13.htm)). No new measures have been implemented in this regard since 2003.

### **Use of minor corrective force and alternatives to physical discipline of children**

137. The Government of Newfoundland and Labrador's Child Protection policy specifies that physical discipline should not be used and is not acceptable. Foster families are advised of a no tolerance policy for physical discipline. Prospective adoptive parents are assessed for their acceptance of physical discipline and screened out if they do not demonstrate that they understand its impact on children and its inappropriate use as a method of discipline. Parenting programs offered within the province address the inappropriateness of physical discipline and offer instruction on acceptable methods. A number of educational initiatives that indirectly impact on fostering alternatives to corporal punishment include the *Safe and Caring Schools Policy (2006)*, the *Focus on Bullying Resource (2007)* and the *Alternate School Policy (2006)*.
138. Policies against physical discipline also exist regarding youth in conflict with the law. Youth Care Counsellors, who are the primary caregivers of youth in custody, are required to review policies and procedures on an ongoing basis.

## **Basic health and welfare (Articles 6, 18, 23, 24, 26 and 27)**

### **Pregnancy and early childhood development**

139. In 2005, additional funding to Fetal Alcohol Spectrum Disorder (FASD) prevention programs was announced by the Government of Newfoundland and Labrador.

### **Health care for Aboriginal and rural children**

140. The Government of Newfoundland and Labrador works with the Government of Canada and the Aboriginal people on better integration and service delivery models for health services. Combining funding resources from the Government of Newfoundland and Labrador and the Government of Canada, the Aboriginal groups contribute to a better health delivery model and help avoid duplication of services. Examples of projects funded by the Aboriginal Health Transition Fund (AHTF)<sup>24</sup> include the development of a Labrador Integration Plan, which will focus on community-based health services and development of a culturally appropriate and gender sensitive Behaviour Health AIDE Training Program in Labrador for children with FASD. Since January 2008, the Government of Newfoundland and Labrador has been working with Aboriginal groups to inform and encourage them to seek funding through the AHTF.

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<sup>24</sup> The AHTF is described in greater detail in Canada's Fifth Report on the *International Covenant on Economic, Social and Cultural Rights*.

## **Aboriginal youth suicide prevention**

141. Newfoundland and Labrador has a Suicide and Detrimental Lifestyles Grants Program that provides funding to organizations to develop innovative programs that are targeted at improving the health, circumstances and well-being of Aboriginal youth throughout the province. The program provides a means whereby culturally appropriate approaches are used to address issues such as drug and alcohol abuse, delinquency as well as other detrimental lifestyles.

## **Adequate housing**

142. Under the Poverty Reduction Strategy, there is supported programming and the development of supported living arrangements for youth over 16 who can not live at home. The Government of Newfoundland and Labrador has also funded the Tommy Sexton Centre that opened in 2006, to provide supportive housing to families living with AIDS.

## **Homelessness**

143. In 2007, the Government of Newfoundland and Labrador partnered with the St. John's Community Advisory Committee on Homelessness and Stella Burry Community Services to produce a *Community Plan Assessment* (CPA) on homelessness for the St. John's Census Metropolitan Area. A major objective of the CPA was to examine existing and new data to profile homelessness and related factors. In addition, new indicators were developed using the Newfoundland and Labrador Market Basket Measure of Low Income to examine low income populations at risk of not being able to afford adequate housing.
144. The Government of Newfoundland and Labrador and Stella Burry Community Services are partnering on two initiatives funded through the Government of Canada's Homelessness Knowledge Development Program: the Data Development and Coordination Project and Profiling at Risk of Housing Affordability in Newfoundland and Labrador. The Data Development and Coordination Project will establish a common network where homelessness stakeholders from across the province will collectively develop and support regional strategies that define and measure homelessness, identify and address knowledge gaps, and introduce, adapt and apply uniform and consistent data coordination practices.

## **Education, leisure and cultural activities (Articles 28, 29 and 31)**

### **Education for Aboriginal children, rural children and children at risk**

145. Some of the initiatives put in place to deal with higher drop-out rates include the implementation of School-wide Positive Behaviour Supports, Focus on Safe and Caring

Schools as an integral part of school development, Behaviour Support Specialists and the Aboriginal Education Initiative.

146. In 2004, a report was issued on the educational needs of Innu children. The Government of Newfoundland and Labrador committed to work with the Innu and the Government of Canada to address the issues identified in the report and to prepare for the devolution of the schools to the Innu. This included hiring consultants for Aboriginal Education and Fetal Alcohol Spectrum Disorder. Funding has also been provided to locate two social workers in schools in Labrador; for home/school liaison workers and to introduce a breakfast/lunch program in one school.
147. In 2007, funding was provided to support Aboriginal students through enhanced guidance services, an interchange program for students in Grade 8 and Level 1, cultural sensitivity training for teachers, a training institute to help high school students prepare to work on industrial projects in Labrador, adapting the Futures in Skills Trades program to Labrador and after-school programs to support students' health, social and academic growth.
148. The Government of Newfoundland and Labrador, the Government of Canada, Innu Nation and Bands are building Band schools in Sheshatshiu and Natuashish for the 2009-2010 academic year. To this end, the Government of Newfoundland and Labrador provided a \$4 million contribution towards the construction of a new school in Sheshatshiu. The Government of Newfoundland and Labrador delivers education on the two reserves, under an agreement with the Government of Canada.

### **Seeking views of children on discipline**

149. Discussions of disciplinary measures in schools are available through the *Safe and Caring Schools Policy*, which highlights school-wide Positive Behaviour Supports initiatives ([www.ed.gov.nl.ca/edu/k12/studentssupportservices/publications/scs\\_prov\\_policy.pdf](http://www.ed.gov.nl.ca/edu/k12/studentssupportservices/publications/scs_prov_policy.pdf)).

### **Special protection measures (Articles 22, 30 and 32-40)**

#### **Protection of Aboriginal children**

150. The Northern Strategic Plan, released in 2007, includes many initiatives that will be of benefit to Aboriginal communities in Labrador, including funding for an electricity rebate for homeowners using diesel-generated power in rural isolated communities along the Labrador coast.
151. The Government of Newfoundland and Labrador is working with the Government of Canada and other provinces and territories to review available information sources on Aboriginal demographic and social trends in an effort to enhance data sources and identify a set of high level demographic/socioeconomic indicators that are meaningful to all jurisdictions.

### **Protection of refugee children, separated children and unaccompanied children seeking asylum**

152. Refugee children and unaccompanied asylum seeking children are protected by the general appointment process for guardianship of children set out in Part IV of the *Children's Law Act*.

### **Protection of children from sexual exploitation and sexual abuse, and the sale, trafficking and abduction of children**

153. The Office of the Child and Youth Advocate is mandated to promote measures for the protection and safety of children. The Royal Newfoundland Constabulary and the Royal Canadian Mounted Police have officers assigned to matters of child protection and safety. In addition, section 14 of the province's *Child, Youth and Family Services Act*, SNL1998, c.C-12.1, states that a child is in need of protective intervention where, *inter alia*, a child is at risk of being sexually abused or exploited by the child's parent or is at risk of being sexually abused or exploited by another person and the child's parent does not protect the child. Both situations give cause for a protective intervention hearing to enable the child to be put in the protective custody of another person or the Director of Child Youth and Family Services.

### **Protection from economic exploitation**

154. The Government of Newfoundland and Labrador does not collect information or data that specifically addresses the employment of children. However, as increased youth employment is a trend in today's market, school-based presentations have been implemented to inform youth about their workplace rights and responsibilities.
155. A marketing initiative to better inform employees and employers of their rights and responsibilities and the value of productive work relationships in the workplace includes additional emphasis in the area of youth employment.

### **Children in conflict with the law**

156. A Pre-Trial Services Program has been developed to reduce the number of youth in detention and the amount of time a youth is detained in custody pending trial and to partner with a continuum of community-based services in supporting youth and their families. This program incorporates a number of best practices for youth in conflict with the law. It has three main components: verification, supervision, and programs/community linkages in working with youth and their families.
157. Several modifications were made to the *Provincial Social Work Policy* consistent with the *Convention on the Rights of the Child*, including reintegration leave to successfully reintegrate youth back to the community during their custodial sentence. This facilitates the young person's need for self-development and access to other programs to assist rehabilitation. Youth are fully informed of the province's reintegration leave policy and

procedures as well as their right to apply for reintegration leave. They are fully informed of the reasons for denial, as well as given an explanation of the reasons for the revocation of the reintegration leave, should this occur.

158. In 2003, an Intensive Rehabilitative Custody and Supervision Order (IRCSO) was introduced to enhance counselling services for youth involved with the criminal justice system. Youth who have received an IRCSO and are sentenced to secure/open custody or to some other community option have access to a full-time psychologist. Services are delivered through a psychology service team model where there are two principle professional psychologists who share a full-time position. These psychologists are part of a greater professional team that includes a Clinical Therapist, Nurse Practitioner, Social Worker, teachers, Youth Care Counsellors and a Recreation Development Specialist. Advanced therapeutic services include addictions, treatment of youth who sexually offend, youth who violently offend and the development and implementation of an Electroencephalogram (EEG) Neurofeedback and Biofeedback Program for youth. The positions have allowed a higher level of clinical counselling services to meet the needs of youth in secure custody as well as the community. These services have included follow-up with youth while on reintegration or releases to the community as well as development of additional community counselling programs.
159. The Social Development Groups address significant underlying factors affecting the young person's involvement in criminal behaviour. Since 2003, new group counselling programs have been developed for youth in custody: Youth Substance Abuse Management Program, Adolescent Healthy Sexuality Program, as well as modifications to the Provincial Anger Management Program. Group counselling programs in the community as well as family counselling have been in place since 2003.
160. In December 2005, an Aboriginal Steering Committee was formed to enhance services and programs for Aboriginal youth on remand or secure custody sentences. This has resulted in recognition of National Aboriginal Day, Culture Days and Culture Camps at the Newfoundland and Labrador Youth Center for both the Aboriginal and non-Aboriginal youth in custody. In addition, a web-cam program was developed to enhance communication and family contact among youth and their relatives who reside at greater geographical distances and are unable to visit the Center.

## Prince Edward Island

### General measures of implementation (Articles 4, 42 and 44)

#### Child expenditures

161. Resource allocations, including those for services for children in Prince Edward Island can be found in the provincial budget, at [www.gov.pe.ca/budget/2008/index.php](http://www.gov.pe.ca/budget/2008/index.php).

#### Data collection and dissemination

162. As part of a national initiative, since December 1999, the Understanding the Early Years (UEY) Project in Prince Edward Island has been gathering information about pre-school age children, families and communities. For more information on the initiative, please visit [www.hrsdc.gc.ca/en/hip/sd/300\\_UEYInfo.shtml](http://www.hrsdc.gc.ca/en/hip/sd/300_UEYInfo.shtml)
163. The Prince Edward Island Reproductive Care Program collects pre- and post-natal data on women and their newborn children ([www.gov.pe.ca/health/index.php3?number=1020356&lang=E](http://www.gov.pe.ca/health/index.php3?number=1020356&lang=E)).
164. Prince Edward Island participates in the Canadian Education Statistics Council (CESC), a joint initiative between the Council of Ministers of Education and the Government of Canada. The Strategic Management Committee, consisting of representatives from each federal, provincial and territorial (F-P/T) jurisdiction, is the operational mechanism for the CESC.
165. The Liaison Officers' Committee for the Canadian Centre for Justice Statistics provides a similar F-P/T mechanism for sharing of justice statistics, including youth justice data. The Coordinating Committee of Senior Officials - Youth Justice is also an F-P/T mechanism which shares youth justice data.

#### Complaint mechanisms

166. For children who feel their rights have been violated, the Prince Edward Island *School Act* ([www.gov.pe.ca/law/statutes/pdf/s-02\\_1.pdf](http://www.gov.pe.ca/law/statutes/pdf/s-02_1.pdf)) includes an appeal provision that reads:
- (1) Where a decision of a school board employee significantly affects the education, health or safety of a student, a parent of the student may appeal the decision to the school board in accordance with the regulations.
  - (2) The parent shall have the right to be heard on an appeal under this section.
  - (3) The decision of the school board on the appeal shall be final and binding on the student and the student's parent and no further appeal lies therefrom.



## Promoting awareness and understanding of the Convention

167. *For Our Children, A Strategy for Healthy Child Development* refers to and summarizes the Convention on the Rights of the Child (CRC) ([www.gov.pe.ca/photos/original/ForOurChildren.pdf](http://www.gov.pe.ca/photos/original/ForOurChildren.pdf)). A Rights Poster for youth in custody, based on the CRC and the *Youth Criminal Justice Act*, is in the *Resident Handbook* given to young persons and their parents and is displayed in every living unit at the Prince Edward Island Youth Centre.

## General principles (Articles 2, 3, 6 and 12)

168. *For Our Children, A Strategy for Healthy Child Development* has been in place since October 2000. The strategy was mentioned under Interagency Mechanisms in Canada's First Report on the *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography* (OP-SC).
169. The Strategy emphasizes a holistic description of Healthy Child Development and has adopted the goals of the National Children's Agenda as a set of broad societal outcomes for children:
- Safety and security
  - Good health
  - Success at learning
  - Social belonging and responsibility
170. The Prince Edward Island Partnerships for Children promotes healthy outcomes for young children in the province. In addition to supporting children and families, the initiative is intended to strengthen community-based networks. Through this program, each working group network is allocated funding for initiatives which support the key action areas outlined in the Healthy Child Development Strategy. Further information about Partnerships for Children from 2002 to 2006 is available through the web site listed above.
171. The Interdepartmental Advisory Committee on Youth Substance Use and Addiction Strategy ([www.gov.pe.ca/health/index.php3?number=1020443](http://www.gov.pe.ca/health/index.php3?number=1020443)) has been meeting since December 2007, to establish general directions and detailed planning in the areas of prevention, education, early intervention, treatment, counselling, and aftercare.
172. A new health curriculum has been implemented in Prince Edward Island schools for grades 1-9. The aim of the health curriculum is to enable students to make well-informed, healthy choices and to develop behaviours that contribute to the well-being of self and others. The curriculum emphasizes healthy interactions and safe and caring relationships, accepting and appreciating diversity, and the uniqueness of self and others.

## **Best interests of the child**

173. The main purpose of the *Child Protection Act* ([www.canlii.org/pe/laws/sta/c-5.1/20090324/whole.html](http://www.canlii.org/pe/laws/sta/c-5.1/20090324/whole.html)) is to protect children from harm because of abuse and neglect and to protect the best interests of children. In Prince Edward Island, regulations require that the Act be reviewed every three years. A review was completed in 2008. Following a series of public consultations, a report was made public in November 2008.
174. For examples of training in Prince Edward Island on principles related to the “best interests of the child,” please see Canada’s First Report on the OP-SC.

## **Family environment and alternative care (Articles 5, 9-11, 18-21, 25, 27 and 39)**

### **Adoption, search for birth parents and access to parental medical history**

175. Prince Edward Island’s contribution to Canada’s Second Report on the CRC indicated that the province already had in place the *Intercountry Adoption (Hague Convention) Act* ([www.peigov.ca/law/statutes/pdf/i-04\\_1.pdf](http://www.peigov.ca/law/statutes/pdf/i-04_1.pdf)), which came into force in 1994. This Act fully implements the Hague Convention of 1993.
176. Officials from the Government of Canada, in collaboration with provincial and territorial family law officials, have been analyzing the implications of Canada becoming a party to and domestically implementing the 1996 *Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children* (the “1996 Convention”). Implementing legislation would be required for the 1996 Convention to gain domestic legal force in Canada.

### **Child care and support services**

177. Plans are underway for the integration of kindergarten with the public education system. The Best Start program is being expanded to assist families with children up to two years of age. An additional \$389,500 has been allocated to fund child care maintenance and child care special needs as part of the Early Learning and Child Care Action Plan.
178. The age of entry policy is being changed to move the cut off date from October 31 to December 31 so that children will be eligible to enter kindergarten if they are five years old by December 31 and primary school if they are six years old by December 31. This change in policy will allow children to benefit from kindergarten and school programs at an earlier age and will put the Prince Edward Island age of entry in line with most other provinces.
179. Since 2002, the Prince Edward Island Healthy Eating Alliance has helped with the development, support and implementation of a variety of food programs (breakfast and snack) in schools. Beginning in 2004, the three school boards in the province developed

healthy eating policies for schools. Each year funding has been received by "Breakfast for Learning," a national NGO, which supports food programs in schools across Canada. There are 35 breakfast and 18 snack programs offered in Prince Edward Island schools. In the 2008-2009 provincial budget, the Government of Prince Edward Island announced funding to support the expansion of these programs province-wide. These programs would be optional for schools as needs are identified (as outlined in the School Nutrition Policies) and universally accessible for all students in a non-stigmatizing way.

### **Child and family benefits and other initiatives addressing child poverty**

180. Research is being conducted into the implementation of a provincial Poverty Reduction Strategy.
181. The KidSport Fund ([www.sportpei.pe.ca/index.php?page=main&pageid=9](http://www.sportpei.pe.ca/index.php?page=main&pageid=9)) of Prince Edward Island was established in 1997. The fund assists families with limited financial resources by providing funds for sporting programs and/or mandatory equipment. Through government, corporate and community support, the KidSport Fund has helped more than 3,000 Island children get involved in sport. In 2007, the Kidsport Fund of Prince Edward Island disbursed grants totaling more than \$80,000 on behalf of 475 Island children. One hundred percent of the funds raised for KidSport go directly to the children.
182. *Roots of Empathy* is a literacy-based parenting course teaching human development and learning, and designed to reinforce a love and respect of reading and children's literature ([www.rootsofempathy.org/PrinceEdwardIsland.html](http://www.rootsofempathy.org/PrinceEdwardIsland.html)). In addition to three days of training, this project provides trained facilitators with the literacy resources necessary to run *Roots of Empathy* programs for over 300 children in Island schools. The facilitators are community volunteers and health and education system staff that have been given the opportunity to participate by their employers. All facilitators are evaluated as part of the certification process, and all participants evaluate their experience in a written form. The results of the evaluation are compiled and reported on by the *Roots of Empathy* trainers. A mix of focus groups and one-on-one interviews with local stakeholders also contribute to the evaluation process. As part of their training, facilitators are also required to take part in an on-site evaluation, complete a written exam, attend a one-day refresher course, and submit classroom materials. This project allows for the incorporation of the Provincial Literacy Strategy with family literacy principles and ideals.

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

183. The Hague *Convention on the 1980 Civil Aspect of International Child Abduction* has been implemented in Prince Edward Island. The Convention is based upon the principle that the best interests of children are met by protecting them from abduction and by securing respect for custody rights. One of its fundamental elements is the establishment of a Central Authority in each State to fulfill certain obligations and responsibilities under the Convention. Prince Edward Island has a designated Central Authority under the 1980 Convention.

## **Basic health and welfare (Articles 6, 18, 23, 24, 26 and 27)**

184. Mental health services are now being provided in Spanish to address the significant increase in Spanish-speaking immigrants/refugees. As well, Pre-School Special Needs Assessments are used to identify and intervene early with children, including Aboriginal or other vulnerable groups, who may require mental health intervention. The province participates in Multi-Agency Support Teams in Eastern District Schools and attempts to identify emerging issues for youth in rural as well as urban settings, and to provide improved access through in-school services, with earlier identification and reduced stigma.

### **Health care for Aboriginal and rural children**

185. In 2005, the Prince Edward Island Reproductive Care Program, a joint initiative of the Department of Health and the Medical Society of Prince Edward Island, partnered with Women's Addiction Services for Prince Edward Island and the Aboriginal Women's Association of Prince Edward Island to present two provincial workshops related to Fetal Alcohol Spectrum Disorder (FASD). In March 2006, the same groups partnered to provide a two-day workshop.
186. In 2005, the Canadian Medical Association released *Fetal alcohol spectrum disorder: Canadian guidelines for diagnosis* ([www.cmaj.ca/cgi/content/full/172/5\\_suppl/S1](http://www.cmaj.ca/cgi/content/full/172/5_suppl/S1)). There are now some paediatricians in the province who have expressed an interest in seeing children for assessment of problems potentially related to alcohol exposure.
187. The Prince Edward Island Reproductive Care Program received permission from Best Start Ontario to adapt and reprint the pamphlet *Be Safe: Have an alcohol-free pregnancy* ([www.beststart.org/resources/alc\\_reduction/pdf/bs\\_brochure\\_lr.pdf](http://www.beststart.org/resources/alc_reduction/pdf/bs_brochure_lr.pdf)). The pamphlet has been available in Prince Edward Island since August 2006 and was distributed across the province to physicians, public health nurses, on-reserve nurses, Addiction Services, Family Resource Centres and Family Health Centres.

### **Aboriginal youth suicide prevention**

188. The Government of Prince Edward Island has been participating in planning exercises with Aboriginal groups to improve the provision of mental health services to Aboriginal persons/children; have provided psycho-educational sessions on depression and suicide to Aboriginal youth, parent and staff groups; and is in on-going collaboration with Band health staff and Mi'kmaq Family Pride to address service delivery issues.
189. The Canadian Mental Health Association - Prince Edward Island Division implements the *Signals of Suicide* program for Grade 9 students ([www.cmha.ca/bins/site\\_page.asp?cid=284-294-296-322](http://www.cmha.ca/bins/site_page.asp?cid=284-294-296-322)).

## Minimizing risks to adolescent health

190. The new health curriculum has components (starting in grade 3) regarding drugs, appropriate drug use, refusal skills, etc., all the way through to Grade 9. There is a new drug education/prevention resource in the Grade 4-6 curriculum called "Leaps and Bounds" (developed by the Alberta Alcohol and Drug Abuse Commission). Beyond the curriculum, there are a wide variety of programs and services offered with, and through, schools, that address substance use education, prevention, and cessation (tobacco, alcohol etc). This includes, but is not limited to:
- Student Assistance Programs
  - Variety of tobacco presentations
  - Drug Abuse Resistance Education program
  - Youth Addictions Counsellors
  - Multi-agency Service Teams
  - 120 Program (Kings County pilot)
  - Prevent Alcohol and Risk-related Trauma in Youth program
  - Students Against Drunk Driving
  - Students Working in Tobacco can Help
  - Tobacco Free Sport programs.
191. In December 2007, the provincial government released a framework document for the *Prince Edward Island Youth Substance Abuse and Addiction Strategy* ([www.gov.pe.ca/photos/original/doh\\_Youth\\_Sub.pdf](http://www.gov.pe.ca/photos/original/doh_Youth_Sub.pdf)). The Strategy was developed by an interdepartmental advisory group (see reference above) and takes as its vision that "Island youth will have a full continuum of appropriate, integrated services to prevent and treat substance abuse problems".
192. Funding received from the National Anti-Drug Strategy will be used to improve addiction support programs and services for youth in conflict with the law.
193. The province has invested in an immunization program to prevent infection from the human papillomavirus.
194. The Prince Edward Island Caucus on Youth Sexual Health is comprised of youth, parents, community and government representatives working to promote healthy sexuality through partnerships, community capacity building and public policy changes. The Caucus, which was formed in 2000, supported and advised on the Youth Sexual Health projects coordinated by the Women's Network Prince Edward Island.
195. The province has invested in a Methadone Maintenance Treatment Program, available through the Provincial Addictions Treatment Facility, as a key component of comprehensive treatment for persons with an opioid dependence. Methadone Maintenance Treatment is a population health approach focused on reducing the harms of injection use, including the spread of human immunodeficiency virus (HIV) and hepatitis C.

## Homelessness

196. The John Howard Society is conducting research in Prince Edward Island on homelessness, including homeless children.

## Education, leisure and cultural activities (Articles 28, 29 and 31)

197. The Prince Edward Island Task Force on Student Achievement began meeting and held public consultations during 2005. The Task Force presented its Final Report, *Excellence in Education: A Challenge for Prince Edward Island*, with a series of recommendations in 20 areas, to the Premier of Prince Edward Island in December 2005 ([www.gov.pe.ca/photos/original/task\\_force\\_edu.pdf](http://www.gov.pe.ca/photos/original/task_force_edu.pdf)).
198. The Prince Edward Island Teachers Federation is a member of the Canadian Teachers Federation, which provides a forum for information sharing and cooperative initiatives.

## Education for Aboriginal children, rural children and children at risk

199. For measures to ensure equal opportunities for Aboriginal children and to address higher drop out rates in Aboriginal communities, such as the Aboriginal/Diversity Specialist position, see the Prince Edward Island section of Canada's Sixth and Seventh Reports on the *Convention on the Elimination of All Forms of Discrimination against Women* (under Article 10).
200. School districts on Prince Edward Island administer a tutoring program specifically for Aboriginal students. Aboriginal culture, accomplishments and history are reflected in all new social studies curricula. The Aboriginal Peoples of Atlantic Canada course is currently available in three high schools. The Aboriginal Education Standing Committee, in existence since 1997, has facilitated various measures to improve education for Aboriginal students.
201. The University of Prince Edward Island has implemented family literacy programs in Mi'kmaq communities and is conducting a major quantitative study around graduation rates, literacy, numeracy, etc., of Aboriginal students in the province.
202. The Aboriginal Justice Program, operated by the Mi'kmaq Confederacy of Prince Edward Island with provincial and federal funding, has developed plain language materials (posters, cards) to help Aboriginal people self-identify in order to benefit from programs available to them.

### **Seeking views of children on discipline**

203. Children are encouraged to participate in discussions about disciplinary measures in schools through classroom discussions about Codes of Conduct, and rules of behaviour of individual classes are usually created with student input.

### **Minority language education**

204. An intensive French program is being piloted in three Prince Edward Island schools in grade six. There is a policy in place that students must take French (or English for French schools) from grades 4-9, and 10 percent of the school day must be spent learning the other official language. These programs/policies are in addition to French immersion at all grade levels in 26 Island schools and the availability of six French first language schools. Kindergarten is now publically funded and includes curricula developed in both languages.

### **Child rights education**

205. The social studies junior and senior high school curriculum for the Atlantic Provinces has recently been changed and now includes courses on global issues, including human rights.

## **Special Protection Measures (Articles 22, 30 and 32-40)**

### **Protection of Aboriginal children**

206. The *Partnership Accord* signed in December 2007, and the *Aboriginal Health Transition Agreement* between the province and the Mi'kmaq Confederacy, promote the provision of quality services for Aboriginal people.

### **Protection of refugee children, separated children and unaccompanied children seeking asylum**

207. The province has a new structure for teaching English as a new language to immigrant children, including refugees.
208. The Four Neighborhoods Family Health Centre implemented a Refugee Health Screening Clinic, starting this past summer, in collaboration with the Prince Edward Island Newcomers Association and the Government of Canada. Refugees are provided with basic health assessments and immunizations and are screened for communicable diseases. Refugee children seen at the clinic are followed up in the school system by public health nurses.

### **Protection of children from sexual exploitation and sexual abuse, and the sale, trafficking and abduction of children**

209. In May 2008, an information session on human trafficking was attended by participants from 75 provincial government and NGO service providers. See also Canada's First Report on the OP-SC.

### **Protection from economic exploitation**

210. An Employment Standards Review Panel was appointed in January 2006, to conduct a full review of Prince Edward Island's *Employment Standards Act* ([www.gov.pe.ca/law/statutes/pdf/e-06\\_2.pdf](http://www.gov.pe.ca/law/statutes/pdf/e-06_2.pdf)) and *Regulations* and *Youth Employment Act* ([www.peigov.ca/law/statutes/pdf/y-02.pdf](http://www.peigov.ca/law/statutes/pdf/y-02.pdf)). The report, presented in September 2006, is available at [www.gov.pe.ca/photos/original/cca\\_finalreport.pdf](http://www.gov.pe.ca/photos/original/cca_finalreport.pdf). The Employment Standards Review Panel recommended that provisions of the *Youth Employment Act* (with modifications) be incorporated into the *Employment Standards Act* and that the *Youth Employment Act* be repealed.

### **Children in conflict with the law**

211. The number of young people incarcerated in the province continues to decrease. Children under 18 are not incarcerated with adults in Prince Edward Island. Alternative measures are used extensively. For example, Youth Outreach Workers, based in most police services, assist young people in conflict with the law through early intervention. To assist with reintegration of children in conflict with the law, a full-time Family Therapist position has been created for correctional services.
212. Child-friendly waiting rooms, testimonial screens, and access to support persons are available to children testifying in court in Prince Edward Island. A training session on changes to federal legislation, including amendments to facilitate testimony by children, held in June 2008, was attended by 150 service providers in the province. For further changes, see Canada's First Report on the OP-SC.

### **Optional Protocol on the Involvement of Children in Armed Conflict**

213. A new Counselling Consultant assists guidance counsellors in the schools with increased awareness regarding children affected by armed conflict.



## Nova Scotia

### General measures of implementation (Articles 4, 42 and 44)

#### Child expenditures

214. Information on the Government of Nova Scotia's expenditures on children is available on the following web sites:
- The Early Learning and Child Care Plan ([www.gov.ns.ca/coms/families/elccprogram.html](http://www.gov.ns.ca/coms/families/elccprogram.html))
  - Family and Youth Services ([www.gov.ns.ca/coms/families/FamilyandYouth.html](http://www.gov.ns.ca/coms/families/FamilyandYouth.html))
  - National Child Benefit in Nova Scotia ([www.gov.ns.ca/coms/families/ChildBenefit.html](http://www.gov.ns.ca/coms/families/ChildBenefit.html))
  - Child and Youth Strategy ([www.gov.ns.ca/coms/families/ChildandYouthStrategy.html](http://www.gov.ns.ca/coms/families/ChildandYouthStrategy.html))

#### Data collection and dissemination

215. The Government of Nova Scotia collects data on its programs and provides it to the public in various publications such as annual reports, for example, on education (<http://stats-summary.ednet.ns.ca/publicat.shtml>) and community services ([www.gov.ns.ca/coms/department/publications.html](http://www.gov.ns.ca/coms/department/publications.html)).
216. Programs funded through the Government of Canada's early childhood development initiatives, such as Healthy Beginnings: Enhanced Homes Visiting, provide accountability reports, including data and evaluation results ([www.gov.ns.ca/hpp/publications/healthy\\_beginnings.pdf](http://www.gov.ns.ca/hpp/publications/healthy_beginnings.pdf)).

#### Coordination and monitoring of children's rights

217. The Children and Youth Strategy created in 2007 includes community-based programs to bring services closer to children, youth and families. The Strategy will coordinate elements related to justice, health, education and health protection and promotion ([www.gov.ns.ca/coms/department/documents/Our\\_Kids\\_Are\\_Worth\\_It.pdf](http://www.gov.ns.ca/coms/department/documents/Our_Kids_Are_Worth_It.pdf)).
218. The Atlantic Intergovernmental Fetal Alcohol Spectrum Disorder (FASD) partnership brings together the four Atlantic Provinces to work together to address FASD.

## **Complaint mechanisms**

219. The Nova Scotia Office of the Ombudsman - Youth Services ([www.gov.ns.ca/ombu/Child\\_Ombud/default.asp](http://www.gov.ns.ca/ombu/Child_Ombud/default.asp)) offers an independent mechanism for investigating and resolving complaints from children and youth in the child custody and child protection systems. The intent is to expand this service to all youth accessing provincial and municipal youth serving systems.

## **General principles (Articles 2, 3, 6 and 12)**

### **Non-discrimination**

220. Nova Scotia's *Special Education Policy* supports inclusive education in the province. The Policy, along with links to other programs and resources available for children with special needs can be found at [www.ednet.ns.ca/index.php?t=sub\\_pages&cat=518](http://www.ednet.ns.ca/index.php?t=sub_pages&cat=518).

### **Best interests of the child**

221. The main objective of Family Division Assessments is to provide the court with information and/or recommendations on how the needs of the child may best be met. To meet this objective, an assessor will meet with both parents. An assessor may also meet with the child, grandparents, child care providers, teachers, etc., if appropriate. The assessor's focus is best interests of the child.
222. Child welfare workers with the provincial government and its child protection agencies receive training to: develop cultural sensitivity to the needs and experiences of African Canadian and Aboriginal children and families involved with a child welfare agency; explore different cultural beliefs and how these differences affect the work environment; and, identify aspects of culture that are particularly relevant to the role and function of the family and its significance for child protection activities.

## **Family environment and alternative care (Articles 5, 9-11, 18-21, 25, 27 and 39)**

### **Adoption, search for birth parents and access to parental medical history**

223. The Government of Nova Scotia has implemented policies that ensure that children who are adopted can maintain their language, culture and identity. More information on the Mi'kmaq and African Nova Scotian adoption programs can be found at the following web site: [www.gov.ns.ca/coms/families/adoption/index.html](http://www.gov.ns.ca/coms/families/adoption/index.html).

### **Child care and support services**

224. The goal of the Supported Child Care Program is to ensure families of children with special needs have access to child care in their own communities regardless of the child's

developmental needs

([www.gov.ns.ca/coms/families/childcare/SupportedChildCare.html](http://www.gov.ns.ca/coms/families/childcare/SupportedChildCare.html)).

225. Expanded support for child care has been provided through federal-provincial agreements.
226. To provide additional options to families for child care, the Government of Nova Scotia supports family home child day care. The Family Home Day Care Program gives parents access to monitored day care services in a home setting. It is a voluntary program offered to in-home care providers to reduce their isolation, provide them with professional support and help them enhance their services. The program is designed to provide healthy, safe and appropriate environments for young children who are being cared for in private homes across Nova Scotia  
([www.gov.ns.ca/coms/families/provider/FamilyHomeDayCare.html](http://www.gov.ns.ca/coms/families/provider/FamilyHomeDayCare.html)).
227. Information on measures to improve child care in Nova Scotia was included in Canada's Fifth Report on the *International Covenant on Civil and Political Rights* (ICCPR).
228. The Government of Nova Scotia has implemented an Early Learning and Child Care Plan which will add more day care spaces, increase subsidized spaces, and provide ongoing support for the province's child care sector over 10 years  
([www.gov.ns.ca/coms/families/ELCCProgram.html](http://www.gov.ns.ca/coms/families/ELCCProgram.html)). In addition, partial funding is available to eligible lower-income families who require child care  
([www.gov.ns.ca/coms/families/childcare/ChildCareSubsidy.html](http://www.gov.ns.ca/coms/families/childcare/ChildCareSubsidy.html)).

### **Child and family benefits and other initiatives addressing child poverty**

229. The Nova Scotia Child Benefit is the provincial government's contribution to the National Child Benefit (NCB) initiative. The Nova Scotia Child Benefit is provided to all low-income families to help them with the cost of raising children under the age of 18. Over 48,000 children in Nova Scotia receive this benefit each year. Since the NCB began, the percentage of low-income families in Nova Scotia declined from 19.7 percent in 1998 to 16.6 percent in 2000. Additional information on Nova Scotia child benefits was also included in Canada's Fifth Report on the ICCPR.
230. The Government of Nova Scotia funds a program that provides prescription drug coverage for children of low-income families. Families pay \$5 per prescription regardless of the cost of the medication. Nova Scotia Family Pharmacare is a provincial drug plan designed to help Nova Scotians with the cost of prescription drugs. The program offers protection against drug costs for families who have no drug coverage or if the cost of the prescription drugs becomes a financial burden to them. The program is available to all Nova Scotians with a valid health card and there is no premium or fee to join the program. The annual out-of-pocket cost is capped at a percentage of family income.
231. The Government of Nova Scotia is working on a comprehensive, multi-year Poverty Reduction Strategy. A legislatively mandated working group is looking at options and

making recommendations to the government  
([www.gov.ns.ca/coms/specials/poverty/povertyreductionstrategy.html](http://www.gov.ns.ca/coms/specials/poverty/povertyreductionstrategy.html)).

232. In May 2008, the Government of Nova Scotia increased the minimum wage. Experienced employees must be paid at least \$8.10 per hour and inexperienced employees must be paid at least \$7.60 for each hour of work.
233. The Employment Support Services program provides support, training and opportunities for return to employment  
([www.gov.ns.ca/coms/employment/employment\\_services/index.html](http://www.gov.ns.ca/coms/employment/employment_services/index.html)). Volunteer opportunities, funding for education and training, and support in researching work opportunities help individuals find solutions that are appropriate for their circumstances.

### **Use of minor corrective force and alternatives to physical discipline of children**

234. No forms of corrective force are permitted towards children in alternative care, in schools or daycare facilities in Nova Scotia. Through the Nova Scotia Family Resource Centres, parents can access information on appropriate discipline measures and support in child rearing.

## **Basic health and welfare (Articles 6, 18, 23, 24, 26 and 27)**

### **Pregnancy and early childhood development**

235. The Healthy Beginnings Program provides services to infants, children, parents and caregivers from preconception to school, including prenatal education, in-home support for families of young children and preschool screening for four year old children.
236. To increase awareness of and decrease the instance of Sudden Infant Death Syndrome, information is shared through public health contact with families and the Tobacco Strategy and Provincial Breastfeeding Policy.
237. The Fetal Alcohol Spectrum Disorder Stakeholder Forum was held in March 2008 and a plan for the key actions identified at the Forum will be developed. The purpose of the Forum is to bring together key stakeholders from across the province to share experiences and resources and to explore a process for a more coordinated approach along the continuum of programs and services from prevention to supporting individuals and families affected by FASD.

### **Health care for Aboriginal and rural children**

238. The Mi'kmaq Health Committee was established to promote a setting where Nova Scotia Mi'kmaq, the province of Nova Scotia and the Government of Canada can collaborate to address various issues in regards to the health needs of Nova Scotia Mi'kmaq. Through researching the needs of the Mi'kmaq, projects and partnerships are developed with First

Nations communities and the government  
([www.tripartiteforum.com/committees/health.php](http://www.tripartiteforum.com/committees/health.php)).

239. In Nova Scotia, public health services for individuals, families and children in both rural and urban areas are provided through nine District Health Authorities. The services provided include primary care, emergency medicine, hospitals and clinics.

### **Aboriginal youth suicide prevention**

240. In 2006, the Government of Nova Scotia implemented a *Strategic Framework to Address Suicide*. This Framework is a seven to 10 year plan for reducing suicide/attempted suicide in Nova Scotia. Additional information can be found at [www.gov.ns.ca/hpp/publications/SuicideFramework.pdf](http://www.gov.ns.ca/hpp/publications/SuicideFramework.pdf).

### **Minimizing risks to adolescent health**

241. Information on measures to minimize risks to adolescent health in Nova Scotia was included in Canada's Fifth Report on the *International Covenant on Economic, Social and Cultural Rights* (ICESCR), under Article 12.
242. *Nova Scotia Student Drug Use Survey*, conducted in 2007, is available online at [www.gov.ns.ca/hpp/publications/NS\\_Highlights\\_2007.pdf](http://www.gov.ns.ca/hpp/publications/NS_Highlights_2007.pdf). The report sets out six recommendations which the Government of Nova Scotia is reviewing.
243. *A Question of Influence*, an alcohol and drug education curriculum supplement for students in Grades 7 to 9 has been broadly distributed ([www.gov.ns.ca/hpp/question\\_of\\_influence.html](http://www.gov.ns.ca/hpp/question_of_influence.html)).
244. Youth health centres, operating on a walk-in basis in high schools throughout Nova Scotia, allow community care-givers to coordinate a wide range of primary preventative health services such as counselling, wellness programs, nutrition information, mentoring and peer support groups.

### **Adequate housing**

245. Information on measures in place to support low-income housing in Nova Scotia is available at [www.gov.ns.ca/coms/housing/documents/Housing\\_Options\\_Brochure.pdf](http://www.gov.ns.ca/coms/housing/documents/Housing_Options_Brochure.pdf).
246. Additional information on support mechanisms that have been put in place by the Government of Nova Scotia for homeless or under-housed children were included in Canada's Fifth Report on ICESCR.

### **Homelessness**

247. The Nova Scotia *Poverty Reduction Strategy* mentioned above also addresses homelessness issues in the province.

## **Education, leisure and cultural activities (Articles 28, 29 and 31)**

248. The Options and Opportunities program provides co-operative opportunities to students to help them acquire hands-on experience and make successful transitions from high school to work, a career path or a post-secondary program ([www.ednet.ns.ca/O2/e/index.shtml](http://www.ednet.ns.ca/O2/e/index.shtml)).

### **Education for Aboriginal children, rural children and children at risk**

249. Established in 2008, the Mi'kmaq Liaison Office (MLO) is mandated to serve as a conduit between the Government of Nova Scotia and the province's Aboriginal communities regarding education issues. To achieve this, the MLO works closely with the Government of Nova Scotia and liaises with the community through the Council on Mi'kmaq Education, the Tripartite Forum Education Working Group, the Mi'kmaw Kina'matnewey Education Working Group, and other organizations. The MLO works with Mi'kmaw Kina'matnewey to provide services to teachers and administrators in Nova Scotia's band-operated schools. The MLO also assists the public school system through professional development and curriculum/resource development to promote the inclusion of Mi'kmaq content and perspectives in all of the province's classrooms.

### **Minority language education**

250. The province's *French Language Services Plan 2007-2008* in the education system can be found at [http://dsalf.ednet.ns.ca/documents/FLSPlan\\_en.pdf](http://dsalf.ednet.ns.ca/documents/FLSPlan_en.pdf)
251. Information on First Nations schools in Nova Scotia can be found at [www.ednet.ns.ca/index.php?t=sub\\_pages&cat=409](http://www.ednet.ns.ca/index.php?t=sub_pages&cat=409).

### **Child rights education**

252. Information on human rights is included in various education curriculums at all levels of the education system in Nova Scotia. For example, in the province's Grade 6 curriculum, there is a specific learning outcome for students to demonstrate an awareness of human rights and international children's rights.

## **Special Protection Measures (Articles 22, 30 and 32-40)**

### **Protection of Aboriginal children**

253. Information on the measures that have been put in place by the Government of Nova Scotia to ensure access to equal opportunities for Aboriginal children on- and off- reserve and information on the measures that have been put in place to ensure access to quality health and educational services for Aboriginal children were included in Canada's

Seventeenth and Eighteenth Reports on the *International Convention on the Elimination of all Forms of Racial Discrimination*.

**Protection of refugee children, separated children and unaccompanied children seeking asylum**

254. Children who are not in the care of their parents may be assisted through the provisions of the *Children and Family Services Act* ([www.gov.ns.ca/legislature/legc/statutes/childfam.htm](http://www.gov.ns.ca/legislature/legc/statutes/childfam.htm)) in that they would become a ward of the province and as such protected, or the *Maintenance and Custody Act* ([www.gov.ns.ca/legislature/legc/statutes/maintcus.htm](http://www.gov.ns.ca/legislature/legc/statutes/maintcus.htm)), which would allow for next of kin or friends to care for the child. The preferred option is always to have the child live with family members.

**Protection from economic exploitation**

255. Information on Nova Scotia legislation and regulations surrounding employing children are available at the following web site:  
[www.gov.ns.ca/lwd/employmentrights/children.asp](http://www.gov.ns.ca/lwd/employmentrights/children.asp).

**Children in conflict with the law**

256. Young persons under the age of 18 are not tried as adults in Nova Scotia, although in particular circumstances they may be sentenced as adults. When sentenced as an adult, a young person remains in a youth facility until reaching the age of 18, and although an application may then be made to transfer the young person to an adult facility, the practice in Nova Scotia has been to keep the young person in a youth facility until all program opportunities have been exhausted. Young persons may make their own application to be transferred to an adult facility if they wish to do so. Although young persons are held in the same facility as adults in some circumstances, every effort is made to ensure that they are housed as far away as possible from the adult offenders.
257. Legal Aid may be available for children in particular circumstances, and the courts may appoint a guardian *ad litem* for a child where appropriate.
258. The provisions of the *Freedom of Information and Protection of Privacy Act* ([www.gov.ns.ca/legislature/legc/statutes/freedom.htm](http://www.gov.ns.ca/legislature/legc/statutes/freedom.htm)) and the *Youth Criminal Justice Act* protect the privacy of children in conflict with the law.
259. The provisions of the *Youth Criminal Justice Act* provide various options for children in conflict with the law to reduce the number of children in detention through the use of programs such as alternative measures or conditional sentences.
260. The “Our Kids Are Worth It” strategy has a crime prevention focus and concentrates on the needs of children and youth, containing a mix of both immediate and longer-term priorities. The strategy’s five key directions are to:

- Build a strong foundation;
- Identify problems, help early;
- Co-ordinate programs services;
- Improve access, close gaps;
- Engage youth, and promote shared accountability.

261. Information on Nova Scotia's Secure Treatment Centre was included in Canada's Fifth Report on the ICCPR.

262. The Halifax Youth Attendance Centre addresses the needs of high-risk youth, under court orders, living in the Halifax Regional Municipality, by providing a structured group and individual programs and services, including a day school program. The Centre operates in partnership the Government of Nova Scotia and their service providers.

### **Optional Protocol on the Involvement of Children in Armed Conflict**

263. Although the Government of Nova Scotia does not specifically target children in their reintegration, health and wellness programs, all programs that are available to the general population are available to immigrant or refugee children in Canada who may have been involved in or affected by armed conflicts.



## New Brunswick

### General measures of implementation (Articles 4, 42 and 44)

#### Child expenditures

264. An overview of basic spending distributions for all health services, including those provided for children can be found in the *Department of Health Annual Report* at [www.gnb.ca/0051/pub/pdf/5068ef-final-1.pdf](http://www.gnb.ca/0051/pub/pdf/5068ef-final-1.pdf). Past Annual Reports can be found at [www.gnb.ca/0051/pub/index-e.asp](http://www.gnb.ca/0051/pub/index-e.asp).
265. Information on expenditures related to children's education can be found on pages 39 to 44 of the Government of New Brunswick's *Main Estimates for 2008-2009* at [www.gnb.ca/0160/budget/buddoc2008/Main\\_Estimates\\_08-09.pdf](http://www.gnb.ca/0160/budget/buddoc2008/Main_Estimates_08-09.pdf). Past budgets can be found at [www.gnb.ca/0160/budget/buddoc2008/index-e.asp](http://www.gnb.ca/0160/budget/buddoc2008/index-e.asp).

#### Data collection and dissemination

266. The New Brunswick Ombudsman and Child and Youth Advocate published a report in January 2008, entitled *Connecting the Dots: A report on the condition of youth-at-risk and youth with very complex needs in New Brunswick*. The report made a number of recommendations that the province is assessing ([www.gnb.ca/0073/PDF/ConnectingtheDots-e.pdf](http://www.gnb.ca/0073/PDF/ConnectingtheDots-e.pdf)).
267. The Government of New Brunswick collects data on children with disabilities for effective program planning and budget allocations and to identify students at-risk of learning challenges. In addition, the government collects enrolment, achievement, and dropout data on First Nation students attending public school and living on reserve in order to improve education programs and services for Aboriginal children.
268. In May 2007, the Government of New Brunswick launched the Personal Health Information Task Force, which conducted public consultations and released a report in October 2007, which was carefully considered by the government ([www.gnb.ca/0051/personal\\_health\\_information/index-e.asp](http://www.gnb.ca/0051/personal_health_information/index-e.asp)).

#### Coordination and monitoring of children's rights

269. The *Child Victims of Abuse and Neglect Protocols* ([www.gnb.ca/0017/Protection/Child/index-e.asp](http://www.gnb.ca/0017/Protection/Child/index-e.asp)), which were revised in 2005 to enhance coordination within government, delineate the roles and responsibilities of professionals reporting cases of child abuse and neglect.

270. In 2007, the Government of New Brunswick adopted the *Child and Youth Advocate Act* ([www.gnb.ca/0062/acts/BBA-2007/Chap-C-02-7.pdf](http://www.gnb.ca/0062/acts/BBA-2007/Chap-C-02-7.pdf)), which created the Child and Youth Advocate. Its mandate is to protect and advance the rights of children and youth and to ensure their voices are heard; to ensure children and youth have access to services and programs provided for them by the government of the province; to provide information and advice to government, its boards and agencies and to communities about the availability, effectiveness, responsiveness and relevance of the services they provide to children and youth; and to act, generally, as an advocate of the rights and interests of the children and youth of the province.
271. The Concluding Observations from the Committee on the Rights of the Child are shared through a network of Government of New Brunswick officials who disseminate and discuss them.

### **Complaint mechanisms**

272. The *Policy for the Protection of Pupils* was revised in 2004, to reflect the new mandatory reporting requirements of the *Education Act* ([www.gnb.ca/0062/acts/acts/e-01-12.htm](http://www.gnb.ca/0062/acts/acts/e-01-12.htm)) concerning professional conduct, to ensure a fair process for the respondent and to improve the handling of “inappropriate behaviour management” complaints. This policy protects all pupils who are registered in public schools in New Brunswick regardless of their age and applies to all adults whose job or role, on behalf of the public school system, places them in contact with pupils.

### **General principles (Articles 2, 3, 6 and 12)**

#### **Non-discrimination**

273. The Government New Brunswick and the Government of Canada have collaborated to develop Tuition Arrears/Enhancement Agreements that will permit investment into the creation of more culturally sensitive and relevant programming for First Nation students in the public education system.
274. New Brunswick's education plan, “When kids come first” ([www.gnb.ca/0000/kidsfirst-e.asp](http://www.gnb.ca/0000/kidsfirst-e.asp)) (released June 2007) contains actions that promote cultural identity and linguistic growth. These include initiatives to strengthen the minority francophone identity and initiatives aimed at improving education for First Nation students. One of the specific actions outlined in the program towards creating safe and healthy schools, is to explore new and innovative tools to prevent and reduce bullying, violence, dating violence, homophobia, and other forms of discrimination in schools by working with communities and school leaders. A revision of Policy 703 – Positive Learning Environment ([www.gnb.ca/0000/pol/e/703A.pdf](http://www.gnb.ca/0000/pol/e/703A.pdf)) is included in the plan, to place an emphasis on parental involvement, dispute resolution, student safety, the prevention of bullying, cyber-bullying, and harassment in school and on buses, assess the effects of these policies on inclusive education, and add a Student Code of Conduct.

275. In 2004, a study was commissioned to review the entire range of programs and services related to the Government of New Brunswick's inclusive education system. The recommendations outlined in the report shape the commitments in “When kids come first”, in particular Commitment #5, “To Live up to the Promise of Inclusion”.
276. The Government of New Brunswick has worked with a committee of Ministers and stakeholders on developing a definition of inclusive education. In partnership with stakeholders, the government has also developed an *Autism Strategy* and a *Provincial Learning Disabilities Strategy* built around early intervention, ongoing support, and reducing wait times for services. In October 2007, the Government of New Brunswick developed a new guideline on the duty to accommodate students with a disability in public and private schools from kindergarten to Grade 12 ([www.gnb.ca/hrc-cdp/PDF/pamphlet-accommodating-students-disability.pdf](http://www.gnb.ca/hrc-cdp/PDF/pamphlet-accommodating-students-disability.pdf)).

### **Family environment and alternative care (Articles 5, 9-11, 18-21, 25, 27 and 39)**

277. The Government of New Brunswick has implemented a *Mi'kmaq and Maliseet Relationship Building Bilateral Agreement*, which allows for the establishment of various roundtables to address program and service delivery gaps in the areas of First Nation health, education, social development, land and resources, governance and jurisdiction, and economic development and sustainability issues.

### **Child care and support services**

278. The Early Learning and Child Care Trust Fund was established by the Government of New Brunswick in June 2007. The Quality Improvement Funding Support Program, which began in 2002, continues funding investments to support wage enhancements for child care staff, professional development opportunities, and equipment and materials.
279. Child care costs are eligible to be deducted from income and reduce taxable income. As a result, New Brunswick residents' taxable income and personal income tax payable are reduced. The annual deduction per child is as follows:
- Under age seven – maximum deduction of \$7,000
  - Over age seven and under age 16 – maximum deduction of \$4,000
  - Children eligible for disability tax credit – maximum deduction of \$10,000
280. In 2004, the Government of New Brunswick implemented *Policy 710 – Release of Students and Access to Student Information* to help schools handle requests for access to student information and the physical release of students when child custody is a factor ([www.gnb.ca/0000/pol/e/710A.pdf](http://www.gnb.ca/0000/pol/e/710A.pdf)).

## **Use of minor corrective force and alternatives to physical discipline of children**

281. A publication on spanking and disciplining of children was released in April 2007, by the Public Legal Education and Information Service of New Brunswick. The pamphlet, *Spanking & Disciplining Children: What You Should Know About Section 43 of the Criminal Code*, is written in plain language for parents and others with children in their care and gives information on the Supreme Court's definition in relation to child discipline and what constitutes reasonable force ([www.legal-info-legale.nb.ca/en/publications/criminal\\_law/Spanking\\_EN.pdf](http://www.legal-info-legale.nb.ca/en/publications/criminal_law/Spanking_EN.pdf)).

## **Basic health and welfare (Articles 6, 18, 23, 24, 26 and 27)**

282. In 2006, the Government of New Brunswick announced a three-year expansion of the publicly funded vaccination program against whooping cough. The vaccine to protect against tetanus, diphtheria, and pertussis is currently given to Grade 9 students and will now be given to students entering Grade 6. Additionally, in 2007, the government announced that the publicly-funded vaccination program to protect against mumps, measles, and rubella will be expanded to Grade 12 students (to continue for six years). The province is also switching to a new meningitis vaccine for Grade 9 students. The current meningococcal C vaccination program for one-year-olds will continue, as this newer vaccine is not recommended for the younger age group.

## **Health care for Aboriginal and rural children**

283. Facilitated by a new Aboriginal Policy Advisor, a priority was placed on consultation and relationship strengthening with First Nations. These discussions have led to community initiatives in mental health and addictions treatment. Over the reporting period, communities partnered with the Government of New Brunswick in preparing project proposals for the Government of Canada Aboriginal Health Transition Fund, leading to funding approvals being received in 2008 for projects including:
- Evidence-based consensus model and strategy for Mental Health services
  - Suicide prevention
  - Community mobilization strategy to identify health priorities, needs assessments
  - Childhood obesity
  - Chronic disease management and active living strategies.

## **Aboriginal youth suicide prevention**

284. Existing suicide prevention initiatives received a particular focus in 2007, ranging from naming February 2007 Suicide Prevention Awareness month; to the release in August 2007 of an analytical study of suicides that occurred in New Brunswick in 2002-2003; to the publication and highlighting of the history and status of the provincial suicide prevention program.

### **Minimizing risks to adolescent health**

285. In 2006, the Government of New Brunswick approved ongoing funding for the creation of an interdisciplinary team of health-care professionals with a specific mandate to serve children experiencing severe autism symptoms. In 2007, grants were provided to six autism community centres throughout the province to support their programs. Each of these centres provides social support, self-help, public education, and a broad array of resources for persons with autism and their families.
286. Middle and high schools participated in a Student Wellness Survey in 2006-2007, which focused on healthy eating, physical activity, tobacco use, and mental fitness. This was a joint initiative between the University of New Brunswick, the Université de Moncton, the University of Waterloo, and the Government of New Brunswick.
287. New Brunswick published the 2007 New Brunswick Student Drug Use Survey, which provided survey information and analysis regarding substance use, gambling, mental health, and associated risk behaviours among adolescent students across the province. The study can be viewed at [www.gnb.ca/0378/pdf/SDUS-2007-e.pdf](http://www.gnb.ca/0378/pdf/SDUS-2007-e.pdf).
288. The Healthy Learners Program aims to improve the health, wellness, and learning of students by promoting healthy behaviours that will be carried into adulthood. Additional information on this program was provided in response to the advance questions from the Committee on the Elimination of Discrimination against Women regarding the review of Canada's Fifth Report on the *Convention on the Elimination of All Forms of Discrimination against Women*.
289. The Link Program is aimed at assisting youth from Grades 6 to 12 who are experiencing any kind of life challenges, and provides an opportunity to access help through a resource person. It provides all teenagers with the opportunity to find a solution to his/her challenges before they lead to more severe difficulties, as well as helping them acquire new coping skills and build resiliency.

### **Education, leisure and cultural activities (Articles 28, 29 and 31)**

290. As per the *Education Act*, the Minister shall provide free school privileges for every person who is of school age who has not graduated from high school and is a resident of the province.
291. New Brunswick began revision of the Positive Learning Environment Policy (Policy 703). One of the goals of this policy is to have parents, pupils, staff, and the community work together to define the goals of the school's learning environment through a Positive Learning Environment Plan. Work has also begun on a Student Code of Conduct, which will set out standards of behaviour and roles and responsibilities when inappropriate behaviours occur in school. Students are being consulted through focus groups on the Code of Conduct.

292. Frequent meetings are held between the Government of New Brunswick and the New Brunswick Teachers' Association/l' Association des enseignants et enseignantes francophones du Nouveau-Brunswick. Policy-making involves consultation with diverse stakeholder organizations.

### **Education for Aboriginal children, rural children and children at risk**

293. New Brunswick works collaboratively with First Nation communities to improve the learning outcomes of First Nation students in the public education system, as well as those enrolled in schools in their community. It works to ensure that public school programming is culturally sensitive and that specific curriculum and services are supported, such as language courses and awareness events. An action plan has been developed to help facilitate the transition for First Nation students into the public system.
294. First Nations' education priorities are fundamental elements of the above-mentioned "When kids come first" program. Specific actions in Phase 1 of this program include the:
- Establishment of new partnership agreements with the Government of Canada and First Nations to improve education programs and services for Aboriginal children;
  - Establishment of a new First Nations Ministerial Advisory Committee on Curriculum; and
  - Development and implementation of a First Nations education strategy founded on the work of the Provincial Aboriginal Education Advisory Committee.
295. The approach outlines strategic direction for First Nation education in order to, among others, engage individuals and communities to preserve First Nation culture and traditions, and foster, in First Nation communities, the importance of lifelong learning. In Phase 2, New Brunswick will host a Minister's Summit on First Nations Education to assess progress and share results.
296. The Government of New Brunswick has started working on a strengths-based guidance model to help students discover their personal strengths. A "Diversity in Learning Initiative" is being developed, which supports trades and vocational education in schools in order to address the needs of students and help them find a goal to inspire them to work towards. A policy is also being developed to ensure students identified as being at risk of dropping out are given the opportunity to meet with school officials and propose an alternate educational program to allow them to meet graduation requirements.

### **Minority language education**

297. In 2004, New Brunswick implemented *Policy 321 – Admission Based on Language* ([www.gnb.ca/0000/pol/e/321A.pdf](http://www.gnb.ca/0000/pol/e/321A.pdf)). The purpose of the policy is to provide assistance in interpreting the *Education Act* as it relates to admission to an English or French school based on linguistic proficiency and entitlement.

## **Child rights education**

298. Both the Anglophone and Francophone education sectors have made strides in their curriculum development to ensure that children are made aware of their rights.
299. In the Anglophone sector, the Kindergarten to Grade 2 social studies curriculum makes reference to United Nations treaties. The context is children's right to protection and support (physically, emotionally and psychologically), to education, and to play. The Grade 3 curriculum outcomes state that students will “examine the rights and responsibilities of citizens in a democracy.” Teachers are referred to the *Convention on the Rights of the Child* as a potential resource. The Grade 6 curriculum outcomes state that students will “identify and describe examples of human rights issues around the world”, and teachers are referred to the 1959 *Declaration of the Rights of the Child*. The Grade 9 curriculum outcomes state that students will “take age-appropriate actions that demonstrate the rights and responsibilities of citizenship (local, national and global).” The curriculum references the *Universal Declaration of Human Rights*. Students in Grades 11 or 12 are provided with the option to take a law course with an optional human rights unit which references among others, the *Convention on the Rights of the Child* and the *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography*.
300. In the Francophone sector, through the “Formation personnelle et sociale” curriculum under “Citoyenneté,” students learn about how various societies function in terms of democratic institutions, roles of men and women, as well as rights, laws and responsibilities that help to create a harmonious society. From Kindergarten to Grade 2, students examine the importance of belonging to different groups (e.g., Brownies, Cubs) in order to promote civic pride. Students also examine certain rules that exist in society and understand the importance of having such rules in society or a group. In Grades 3 to 5, students learn that rules and responsibilities exist within communities, as well as for individuals. They learn the difference between rules, laws, responsibilities, and privileges and also identify certain rights of children. In Grades 6 to 8, students look at appropriate behaviours that are respectful towards others and how to prevent discrimination and racism. They also identify consequences related to criminal acts such as intimidation, harassment, vandalism and violence. In addition, they explore their role as citizens by examining laws, rights, and responsibilities at the local, regional and international levels. In high school, students continue to examine their role as citizens and the importance they have within society, as well as, the power that youth have in creating a harmonious society.

## **Special protection measures (Articles. 22, 30 and 32-40)**

### **Protection of Aboriginal children**

301. The Government of New Brunswick, all 15 First Nations residing in the province, and the Government of Canada began working on a Memorandum of Understanding in 2007

regarding a reinvestment strategy on enhanced educational programs and services for First Nation students in New Brunswick.

### **Protection of children from sexual exploitation and sexual abuse, and the sale, trafficking and abduction of children**

302. A Human Trafficking Working Group, comprised of a partnership amongst non-government organizations, the law enforcement community, and the Government of New Brunswick, works to make the public aware of human trafficking.

### **Children in conflict with the law**

303. New Brunswick has developed a protocol on case conferencing in order to help reintegrate children who have been in conflict with the law into the public school system.

### **Optional Protocol on the Involvement of Children in Armed Conflict**

304. The Government of New Brunswick does not provide any specific programs that provide assistance for the psychological and physical recovery and social reintegration of immigrant or refugee children in Canada who may have been involved in or affected by armed conflicts. Any such cases, brought to the attention of the school or education district in any manner, are assessed for referral to the mental health clinic in the Regional Health Authority. Individuals receive care through existing programs as a part of the spectrum of services offered to all residents of New Brunswick and not under any specific new programs mandated through the "Action Plan on Child Protection."



## Québec

### General measures of implementation (Articles 4, 42 and 44)

305. Since the adoption in 2004 of the government's action plan for children, entitled *Un Québec digne de ses enfants*, the Government of Québec has adopted the following measures:
- The Refundable Tax Credit for Child Assistance, instituted in January 2005, helps simplify financial support measures targeting families.
  - The Work Premium Program was established in 2005.
  - In 2006, financial support to families, including child care, totalled \$4.6 billion, a 29 percent increase from 2003. This support has steadily increased, reaching \$6.6 billion in 2008.
  - Also in 2006, the goal of having 200,000 child care spaces available for children five years and younger was attained.
  - The Government's child care education program, entitled *Accueillir la petite enfance*, was updated in 2007.
  - The Québec Parental Insurance Plan (QPIP) entered into force in January 2006. The Plan facilitates a balance between family and professional responsibilities and supports fathers in their commitment to their children by guaranteeing them an exclusive three- to five-week leave. During the Plan's first year, more fathers (36.7 percent) benefitted from QPIP compared to the previous plan (18 percent).
  - Through the policy *Pour que l'égalité de droit devienne une égalité de fait*, the Government of Québec aims for a better work-family balance as a means to achieve gender equality. In total, \$6.9 million will be dedicated to this policy.

### Data collection and dissemination

306. The Institut de la statistique du Québec (ISQ) provides reliable and objective statistical information on various aspects of Québec society. The ISQ conducts, among other things, the Québec Longitudinal Study of Child Development. The second phase (2003-2010) of this study seeks to identify factors that, when implemented during early childhood, contribute to the social adaptation and academic success of children in Québec.
307. The Ministry of Education, Recreation and Sport collects data on children attending preschool and elementary school, including children from cultural communities. Various government reports are available at [www.mels.gouv.qc.ca/GR-PUB/m\\_englis.htm](http://www.mels.gouv.qc.ca/GR-PUB/m_englis.htm).

### Promoting awareness and understanding of the Convention

308. In 2005, the Commission des droits de la personne et des droits de la jeunesse du Québec and the International Bureau for Children's Rights, an international non-governmental

organization, hosted a three-day international conference that reviewed the implementation of the *Convention on the Rights of Children*, 15 years after its adoption.

## **General principles (Articles 2, 3, 6 and 12)**

### **Non-discrimination**

309. One of the measures of the 2004-2007 government action plan, *Shared Values, Common Interests*, aimed specifically at promoting intercultural learning among school children. The *Programme d'appui aux relations civiques et interculturelles*, established as part of this action plan, allows the provision of support for projects promoting the awareness and understanding of the pluralistic nature of Québec society. Several of these projects were aimed at children  
([www.micc.gouv.qc.ca/publications/fr/planification/PlanAction20042007-summary.pdf](http://www.micc.gouv.qc.ca/publications/fr/planification/PlanAction20042007-summary.pdf)).
310. In 2005, following the recommendations made by the Joint Task Force on Homophobia, a training module was developed for the use of senior high school teachers and non-teaching staff, aimed at raising awareness among young people of prejudices with respect to sexual orientation. The Task Force was established to fight homophobia in schools and the marginalization of single-parent families and their children, and to prevent suicide among sexual minority youth.
311. The Government of Québec will see to the implementation of the recommendations set out in the 2007 report of the Advisory Committee on Integration and Reasonable Accommodation in the Schools, entitled *Inclusive Québec schools: dialogue, values and common reference points*, by preparing a reference guide on accommodation, establishing a team to support the institutional setting, and organizing training sessions on reasonable accommodation for school staff  
([www.mels.gouv.qc.ca/sections/accommodement/pdf/RapportAccRaisonnable\\_a.pdf](http://www.mels.gouv.qc.ca/sections/accommodement/pdf/RapportAccRaisonnable_a.pdf)).
312. The 2008-2011 action plan *La violence à l'école : ça vaut le coup d'agir ensemble!* was put in place to address various forms of school violence such as: intimidation, bullying, racism, homophobia, sexual violence, physical violence and street gangs. The plan aims at supporting the establishment of a safe and secure environment for all students and staff members in schools.
313. The Government of Québec provides relevant youth-friendly information regarding the justice system via the Internet and publications distributed in various public locations.

### **Best interests of the child**

314. When legislative measures are being developed, the memorandum accompanying a Bill presented to the provincial Cabinet must include a section that outlines the projected impact of such measures on youth, highlighting to representatives of the executive branch the principle of the best interests of the child principle.

315. The *Youth Protection Act* ([www.cdpcj.qc.ca/en/commun/docs/LPJ\\_A.pdf](http://www.cdpcj.qc.ca/en/commun/docs/LPJ_A.pdf)), amended in 2006, includes specific provisions to guarantee respect for the principle of the paramount consideration of the best interests of the child, such as the child's and parents' active participation in decision-making and in choosing the measures that affect them, and the consideration given to grandparents and other extended family members when fostering a child. Professionals working with young people have received training with regards to the legislative amendments. The Commission des droits de la personne et des droits de la jeunesse must now produce a report every five years on the implementation of the Act and, where appropriate, propose amendments.
316. Québec's *Educational Childcare Act*, which came into force in June 2006, promotes the quality of educational child care services offered by child care service providers. It aims to ensure the health, security, development, well-being of, and equality of opportunity for children receiving child care services, including those who have special needs or who live in an environment of socio-economic insecurity. The Act also aims to foster the development of the provision of child care services in a way that takes into account the needs of parents, notably by facilitating the balance between parental and professional responsibilities.
317. The provisions pertaining to criminal record checks for people working in the education sector were adopted on June 15, 2005, and are outlined in the *Act to amend the Education Act* and the *Act respecting private education*. These provisions specify the powers of the Government of Québec with regards to the delivery and renewal of teacher certifications, and the requirements with which those who want to obtain or renew such a certification must comply. The Act establishes new requirements for school boards and private educational institutions, and for people who work or are in regular contact with minor students.

### **Civil rights and freedoms (Articles 7, 8, 13-17 and 37)**

318. In 2006, amendments were made to the *Youth Protection Act* with the purpose of balancing the protection of children and respect for privacy. To better circumscribe the disclosure of private information, it was specified that the Director of Youth Protection would only have access to information related to the grounds on which the security or development of the child is considered to be in danger and which give rise to protective measures provided for under the law.
319. It should be noted that:
- the file of a young person under the care of the Director of Youth Protection, cannot be retained once the person reaches 18 years of age; and
  - the Act provides that retaining the information on file beyond the stipulated period may be possible, but only if authorized by a court.

## **Family environment and alternative care (Articles 5, 9-11, 18-21, 25, 27 and 39)**

### **Adoption, search for birth parents and access to parental medical history**

320. According to the *Civil Code of Québec* (sections 582-584), adoption files are confidential. However, an adopted person who is now an adult or an adopted minor, 14 years of age or over, is entitled to obtain the information enabling him/her to find his/her birth parents if they have previously consented thereto. An adopted minor under 14 years of age is also entitled to obtain such information if the birth parents and the adoptive parents have given their prior consent. The case law interprets the term “parents” strictly, as referring only to the mother and father of the child.

### **Child care and support services**

321. Since 2004, a program offering integrated perinatal and early childhood services to vulnerable families has been in force throughout the province of Québec. This prevention and promotion program, focussing on the health and well-being of children and parents, includes family support components and the establishment of favourable environments. The measures aim at reducing the risks linked to the social determinants of health, including abuse and neglect, and favour early and intensive intervention.
322. Following an ISQ study on the quality of educational services, in 2004, the Government of Québec announced its Ongoing Quality Improvement Plan regarding educational child care. The Plan’s goals are to promote the improvement of child care services as an ongoing process which requires each child care service provider to offer services that, at the very least, meet the same quality criteria throughout Québec for all types of child care services and in all aspects of child development.
323. In December 2004, the *Mesure exceptionnelle de soutien à l’intégration dans les services de garde pour les enfants handicapés ayant d’importants besoins*, came into effect in Québec. This measure supports the integration in the day-care system of children with disabilities that have special needs. It consists of an allowance provided to daycare service providers to cover part of the additional costs incurred due to the extra hours required to support a child with a severe disability.
324. Since 2006-2007, the Government of Québec has been funding community-based drop-in child care centres with a \$3 million budget allocated to the consolidation of services, which enable parents, primarily from disadvantaged areas and who take care of their children full-time, to benefit from relief care and to participate in social and professional integration activities, including volunteer work.
325. Parents who are recipients of employment assistance are eligible for the parental contribution exemption pursuant to the Reduced Contribution Regulation. This exemption allows for free child care services for up to two and a half days or five

half-days per week. In 2006-2007, 11,722 children whose parents benefitted from the exemption were able to attend a day-care facility.

326. With respect to Aboriginal institutions and cultures, the Government of Québec is working towards opening child care services in each Aboriginal community. As of December 31, 2007, Aboriginal communities had access to 3,303 child care spaces.
327. The Government of Québec's educational child care program, entitled *Accueillir la petite enfance*, was updated in 2007. This new edition of the program introduces terms of reference for educational child care and addresses, among other things, different aspects of educational intervention, the structuring of activities and the environment, and the relationship with parents. Particular attention is given to children with special needs.

### **Child and family benefits and other initiatives addressing child poverty**

328. Residents of the province of Québec receive the National Child Benefit, in addition to payments from the Refundable Tax Credit for Child Assistance (CIRSE). The latter constitutes the Government of Québec's principal financial support instrument for families.
329. The CIRSE, which came into effect on January 1, 2005, replaced the Québec Family Allowance, the non-refundable tax credit for dependent children under the age of 18 and the tax reduction for families, and provided increased benefits. The CIRSE offers financial assistance to every family with a dependent child under 18 years of age to help cover costs for their essential needs, and provides higher benefits to low-income families. The level of the benefits is established according to marital status and the number of children in the household. For example, in 2008, families with two dependent minor children were eligible for annual benefits of up to \$1,365 (single-parent families) or \$1,924 (couples). This is an increase from benefits under the previous family allowance plan in 2004. In addition to the child support benefits, the CIRSE offers a \$167 monthly supplement for children with disabilities, irrespective of family income or marital status. In 2007, more than 870,000 families received this tax credit, representing more than \$2 billion.
330. Under the Refundable Tax Credit for Child-Care Expenses, families in need of child care services in order to work, pursue educational opportunities or actively seek employment, are eligible for a 26 percent to 75 percent refund of their child care expenses, part from the network of reduced-rates child care services. The refund rate is based on family income. Overall, almost 360,000 families benefit from the Refundable Tax Credit for Child-Care Expenses, for a total amount of approximately \$173 million.
331. Also, the Refundable Tax Credit for Adoption Expenses and the Refundable Tax Credit for the Treatment of Infertility allow for a refund of up to 30 percent of the expenses related to adoption or infertility treatments incurred by a family, up to \$20,000.

332. Under the *Government Action Plan to Combat Poverty and Social Exclusion*, Québec committed to address child poverty. Investments under the Plan total more than \$3.1 billion between 2004-2005 and 2008-2009. These financial measures helped significantly improve the living conditions of many Québec families living with poverty ([www.mess.gouv.qc.ca/grands-dossiers/lutte-contre-la-pauvrete/plan\\_en.asp](http://www.mess.gouv.qc.ca/grands-dossiers/lutte-contre-la-pauvrete/plan_en.asp)).
333. One of the measures taken by the Government of Québec to address child poverty is the introduction, in January 2005, of the Work Premium, to make employment more beneficial for low-income workers, as well as for last-resort assistance recipients.
334. A report on the results of the implementation of the *Government Action Plan to Combat Poverty and Social Exclusion*, issued in June 2008, showed that 114,775 children in the province of Québec have parents who rely on last-resort financial assistance to meet their needs. This represents a decrease of more than 46 percent in the number of beneficiary children over a period of 10 years (99,681 fewer children than in June 1998).
335. Other measures implemented by Québec to address the factors contributing to child poverty include:
- the extension, since January 2006, of the partial exemption (up to \$100 per month) of alimony income to every recipient family with children (regardless of age). This exemption alone allows for an increase of up to \$1,200 per year in available income for eligible families. Previously, this exemption was only available to families with dependent children under five years of age;
  - full exemption for the amounts provided under family benefit programs for the purposes of calculating last-resort assistance;
  - the implementation of the approach entitled *Ma place au soleil*, which offers young parents receiving income security benefits who wish to continue their education the opportunity to pursue an integrated employment approach adapted to their needs;
  - the implementation of the Pregnant Minors Financial Assistance Measure, to help pregnant teenagers who are without financial resources to meet their needs;
  - Special benefits to address specific child-related needs, for instance breast-feeding, school fees and pregnancy; and
  - the increase of the minimum weekly employment support allowance, from \$30 to \$45, for people who take part in employment assistance programs, and an additional \$25 per week for single parents. This measure is included in the almost \$1 billion investment over three years under the Government of Québec's *Pacte pour l'emploi*, announced on March 18, 2008, of which \$548 million come from the Government of Québec, and \$439.4 million come, from the private sector.

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

336. The *Act to Implement the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption and to amend various legislative provisions in relation to adoption* was adopted by the National Assembly in April 2004. Pursuant to the Act, all intercountry adoption procedures must be undertaken by a certified organization, except

in exceptional circumstance provided for in the *Order Respecting the Adoption Without a Certified Body of a Child Domiciled Outside Québec by a Person Domiciled in Québec*.

337. The *Hague Convention on the Civil Aspects of International Child Abduction* was implemented in Québec through the *Act Respecting the Civil Aspects of International and Interprovincial Child Abduction*, adopted in 1984. With the adoption of an Order in Council in 2003, the following additional States were identified for the purposes of the application of the Act: Brazil, El Salvador, Estonia, the Republic of Malta, Uzbekistan, Peru, Sri Lanka, the Republic of Trinidad and Tobago, and Uruguay.<sup>25</sup>

### **Use of minor corrective force and alternatives to physical discipline of children**

338. The use of corporal punishment as a disciplinary means for young people living in youth centres is strictly prohibited. Under section 118.1 of the *Act respecting health services and social services*, restraint and isolation can only be used in situations where a young person puts his/her life, or that of another, in danger. Each establishment has adopted a protocol governing the use of such measures.
339. Since 2004, the Government of Québec has offered training and support to resource people responsible for providing regional support services and expertise with regards to the legal aspects of physical intervention in crisis situations that occur in schools and that can compromise the physical security of individuals.
340. The Government of Québec has published a pamphlet for parents, entitled *Ensemble, prévenons les abus* which provides information regarding alternatives to corporal punishment ([www.rrsss12.gouv.qc.ca/documents/brochure\\_abus2.pdf](http://www.rrsss12.gouv.qc.ca/documents/brochure_abus2.pdf)).

### **Basic health and welfare (Articles 6, 18-21, 23, 24, 26 and 27)**

341. The *Healthy Schools* approach, implemented throughout Québec since 2005, originated from a complementary services agreement between the Ministry of Health and Social Services and the Ministry of Education, Recreation and Sport. This partnership approach brings together schools, families and communities and aims at ensuring the cohesion, complementarity and continuity of interventions with regards to prevention and health promotion carried out in elementary and secondary schools.

### **Health care for Aboriginal and rural children**

342. In 2007, the Government of Québec published a reference guide, *Delivery and funding of health services and social services for Aboriginal people (First Nations and Inuit)*.
343. The Government of Québec has worked with First Nations communities in training for their social workers who are specialized in alcohol and drug abuse, and the development

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<sup>25</sup> Order 18-2004 (04-01-14), G.O.Q. 2, 907 (04-01-28), which came into effect on November 1, 2003.

of several communication strategies to prevent pathological gambling. Furthermore, a new campaign is being elaborated to address drug problems among Aboriginal youth.

### **Aboriginal youth suicide prevention**

344. With respect to suicide, an interdepartmental working group on associated social problems has been established in order to support Aboriginal communities going through a social crisis, for instance in the event of a suicide.

### **Minimizing risks to adolescent health**

345. As part of the Government of Québec's implementation of the *Mental Health Action Plan 2005-2010 – Strength in connections*, each youth centre in the province has established a suicide crisis intervention protocol. As well, front line multi-disciplinary teams on youth mental health have been created in health and social services centres, and training has been provided to those who carry out youth mental health monitoring in schools. These teams support the onsite workers (i.e. special-education teachers, social workers).
346. With respect to sexually-transmitted diseases, the Government of Québec has produced a guide on the dangers of the hypersexualization of young girls in order to assist front-line workers responsible for sexual education. Moreover, tools and brochures on sexual education have been designed and communicated through artistic means, such as theatrical presentations.

### **Adequate housing**

347. In 2003, the Government of Québec implemented changes to the Affordable Housing Québec program to include a component on the development of new housing units in the 14 Aboriginal communities of the Kativik region. Consequently, between 2003 and 2007, the government contributed to the construction of 311 residential units for off-reserve Aboriginal people: 239 social housing units and 72 private units. Québec's contribution also allowed for the renovation or adaptation of 163 private units, and nearly \$45.1 million were dedicated to the renovation of social housing units.

### **Homelessness**

348. In 2008, the Government of Québec published a reference framework on homelessness which focuses on the need to:
- take action to prevent homelessness;
  - respond to emergency situations by supporting shelters;
  - intensify intervention and social reintegration efforts; and
  - mobilize partnerships to solve the problem.



349. The framework outlines a set of social and individual factors likely to cause homelessness or temporary situations of homelessness: family violence, repetitive placement in foster homes, broken homes or drug abuse.
350. Some of the measures proposed in the *Youth Action Strategy 2006-2009* aim to reduce the frequency of placement for young people in foster homes, and to implement a qualification program for those living in youth centres.
351. The Société d'habitation du Québec refers to two documents with respect to the situation of homeless children:
- Hurtubise, Roch and Shirley Roy. *L'itinérance en questions*, 2007, Québec, Presse de l'Université du Québec, 366 p.
  - Commission des droits de la personne et des droits de la jeunesse. Nunavik - Investigation into child and youth protection services in Ungava Bay and Hudson Bay - *Report, conclusions of the investigation and recommendations*, 2007, 83 p.

## **Education, leisure and cultural activities (Articles 28, 29 and 31)**

### **Education for Aboriginal children, rural children and children at risk**

352. Nearly 90 percent of Aboriginal students in Québec attend a school in their own community. Classes are taught in their native language full-time in elementary school, and part-time at the secondary level. Aboriginal schools also ensure that classes and programs include cultural components specific to their communities.
353. Aboriginal students attending schools within the Québec school system have the opportunity to take part in activities related to their culture and can, in many cases, consult with liaison officers who will assist them in maintaining ties with their own communities.
354. Aboriginal communities are focussing on improving the language and subject-specific competency skills of their students. As such, they have implemented homework help services, put in place culturally-adapted programs, classes, material and exams, and developed training alternatives (e.g. occupational training and adult education).
355. Several schools in Aboriginal communities have implemented more stringent absence-control measures, strengthened ties with parents and elders of the community, and diversified extracurricular activities.
356. Aboriginal communities, in partnership with Québec universities and colleges, developed teacher and educator training programs adapted to the specific modern-day realities and needs of Aboriginal students.

357. Aboriginal educators consult and work with program development specialists during the development and updating of the programs and courses offered in their schools.
358. An intervention strategy, entitled *New Approaches, New Solutions*, was also implemented to encourage students from rural communities to remain in school. This strategy has been extended to other schools.

### **Children from cultural communities**

359. To ensure the preservation and enrichment of heritage languages and cultures for cultural communities, as well as to facilitate the integration of cultural community members in the Québec school system, the Government of Québec has implemented the *Programme d'enseignement des langues d'origine* in its public schools. This program has also been extended to all students, regardless of their origin, in order to promote positive relationships between people of different cultural backgrounds. Seventeen curricula have been developed throughout the years, including in Algonquin (an Aboriginal language). At the elementary level, nearly 6,600 students are enrolled in such classes.
360. The *Programme des langues ethniques* offered in community schools by cultural associations helps maintain and improve the basic knowledge and language skills of students from cultural communities while encouraging them to learn more about their origins, thereby preserving the linguistic and cultural vitality of their communities. Currently, 11 languages are taught, and more than 1,200 secondary school students are enrolled in these classes.
361. The policy on educational integration and intercultural education, entitled *A School for the Future*, seeks to involve schools, families and communities, including community and municipal organizations, in the integration of newly-arrived immigrant students. The Government of Québec provides financial support to projects, conducted in partnership with these stakeholders, which enable immigrant students and their parents to familiarize themselves with various aspects of Québec society.
362. As part of its policy *A school for the future*, the Government of Québec supports organizations recognized for their intervention efforts that encourage young people, aged 16 to 24, who are immigrants or members of ethnic minorities, to remain in school.
363. The Government of Québec supports projects developed by organizations from Afro-Canadian communities aimed at providing summer socio-educational activities to elementary and secondary school students with learning difficulties.
364. The Government of Québec has developed an integration and intervention plan for newly-arrived immigrant students with severe educational delays (more than three years based on the Québec standard), as well as tools to support teachers working with these young people. On average, almost seven percent of newly-arrived immigrant students are in a situation of severe educational delay.

365. Also, the Government of Québec is participating in university research work on the educational background of young immigrants and the factors affecting their success at school. This research enhances knowledge on the academic success of immigrant students, which will translate into programs and measures more suited to their specific needs. A first study, entitled *La réussite scolaire des jeunes des communautés noires au secondaire*, was completed in September 2005.

## **Special protection measures (Articles 22, 30 and 32-40)**

### **Protection of Aboriginal children**

366. In 2007, the Commission des droits de la personne et des droits de la jeunesse conducted a study on the situation of young people in need of protection in Nunavik. The report stemming from this study presented a series of recommendations for those individuals, agencies and institutions most likely to be able to promote child protection in the region. At the Katimajit Forum, held in August 2007, the Government of Québec committed to follow up on several of the report's recommendations, including with respect to:
- restructuring of youth protection services;
  - development of front line social services;
  - promotion of community engagement;
  - addition of staff members who would focus on interventions with young people and their families; and
  - promotion of community work.
367. After the First Nations Socioeconomic Forum, held in 2006, which was attended by government representatives, the Government of Québec committed to developing practical solutions to close the socioeconomic gap between Aboriginal people and the rest of Québec's population, especially in terms of front-line social services provided to young people and their families. A tripartite committee was created to help four Aboriginal communities improve development of parenting skills and family and youth support components of their social services. Steps are currently being taken to extend this initiative to other Aboriginal communities.
368. In Nunavik, some services which are part of the health care and social services network are provided in schools, such as prevention and health promotion services, services targeting vulnerable youth, and services aimed at children.
369. Since 2007, research and analysis work has been conducted in Nunavik in order to develop solutions to support Inuit midwives trained in the region, including pre- and postnatal follow-up, and to allow for the recognition of their experience and training. Also since 2007, additional funds have been provided to the three shelters for women victims of spousal abuse and their children in Nunavik, to support the prevention of domestic violence in the region.

### **Protection of refugee children, separated children and unaccompanied children seeking asylum**

370. The *Act to amend the Youth Protection Act*, adopted in 2006, brought changes to custody law, allowing the Court of Québec to appoint guardians for children placed under protective supervision. While the scope of custody remains the same, the purpose of the amendment is to allow the court of justice with the most information on a child under protective supervision to decide on the appropriateness of appointing a guardian.
371. In order to facilitate access to basic education and health care for newcomers, a new information-sharing mechanism between immigration services and health care and social services agencies was implemented in 2008, more specifically to collect data on refugees placed under the care of the Government of Québec. This data is sorted by age group and gender.
372. In 2008, the Government of Québec developed administrative procedures to speed up the processing of family-class sponsorship applications; it will be possible to apply these procedures to some refugee children living abroad.

### **Children in conflict with the law**

373. The Youth Qualification Program, which helps young people who must leave youth centres at the age of 18 acquire the required level of autonomy to reintegrate into society, can also be applied to young offenders in need of such support after their stay in a rehabilitation centre.

### **Optional Protocol on the Involvement of Children in Armed Conflict**

374. In Québec, various public institutions and organizations (hospitals, health care and social services centres) have developed child-specific programs or services, including for children who may have been affected by armed conflicts.

## Ontario

### General measures of implementation (Articles 4, 42 and 44)

#### Child expenditures

375. Information on Government of Ontario resource allocations for issues relating to children can be found at <http://www.children.gov.on.ca/>.

#### Data collection and dissemination

376. The Government of Ontario conducts or coordinates research and evaluation activities related to programs and services for children and youth. Most data is collected by external agencies such as the Offord Centre for Child Studies.
377. The Ontario Association of Children's Aid Societies in partnership with the University of Ottawa collects data based on the Ontario Looking after Children assessment protocol.
378. The Government of Ontario has developed a Child and Youth Mental Health Data and Information Strategy to support the implementation of *A Shared Responsibility: Ontario's Policy Framework for Child and Youth Mental Health*. The Strategy will guide the collection, analysis, dissemination, and utilization of quantitative and qualitative information to support effective policy, program and resource decision making for the government and the child and youth mental health sector.
379. The Government of Ontario maintains information sharing agreements with the Government of Canada to obtain data on parents and children who are in receipt of social assistance and are entitled to the Canada Child Tax Benefit, including the National Child Benefit, and the federally-administered Ontario Child Benefit.

#### Coordination and monitoring of children's rights

380. The Government of Ontario introduced a new strategic framework in spring 2008 to meet the government's commitment of improving how services are provided to Ontario's young people and their families. *Realizing Our Potential – Our Children, Our Youth, Our Future* provides a common foundation for working with partners to improve outcomes for children and youth.
381. In March 2004, the Government of Ontario established the Education Partnership Table, which is a forum for collaboration designed to get insights from the education sector on provincial education policy early in the government's policy development process. Participants have the opportunity to contribute to the common public interest in publicly funded education. In return, they agree to work toward consensus and, wherever possible, to raise issues first at the Table for all to examine and help solve collectively. Participants

include organizations representing students, parents, trustees, teachers, support workers and principals.

382. Provincial government departments work cooperatively to develop the Student Support Leadership (SSL). Implemented in 2008, this initiative fosters leadership within and across the province's school boards/authorities and community agencies by establishing or enhancing local partnerships in order to build capacity and better meet the needs of students through collaborative planning, service coordination and referrals.
383. The SSL initiative supports:
- *A Shared Responsibility: Ontario's Policy Framework for Child and Youth Mental Health*, by promoting enhanced collaboration and coordination across school boards and community agencies to support the healthy development of Ontario's children and youth; and
  - Ontario's Safe Schools Strategy, by encouraging school boards to form partnerships with community agencies to provide non-academic supports that promote positive student behaviour.

### **Complaint mechanisms**

384. To strengthen Ontario's child well-being and protection system, the government has created the Provincial Advocate for Children and Youth, an independent officer reporting directly to the Legislative Assembly of Ontario. Children and youth with special needs who are seeking or receiving approved services under the *Child and Family Services Act* (CFSA) ([www.e-laws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_90c11\\_e.htm](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90c11_e.htm)) in Ontario have access to the services of the Advocate, who can increase visibility of the rights and voices of these vulnerable children and youth.
385. The *Provincial Advocate for Children and Youth Act, 2007* ([www.e-laws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_07p09\\_e.htm](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_07p09_e.htm)), which was proclaimed in October 2007, states that the Provincial Advocate for Children and Youth:
- Provides an independent voice for children and youth, including First Nations children and youth and children with special needs, by partnering with them to bring issues forward;
  - Encourages communication and understanding between children and families and those who provide them with services; and
  - Educates children, youth and their caregivers regarding the rights of children and youth.

## **General principles (Articles 2, 3, 6 and 12)**

### **Non-discrimination**

386. Ontario promotes permanency options for all children and youth in need of protection regardless of cultural background. Since December 2007, the *Parent Resources for Information Development and Education* training protocol has been used to educate prospective adoptive and foster parents in how to deal with culturally sensitive issues that might affect children and youth who will be placed into their care.
387. The Government of Ontario is implementing the Residential Action Plan to improve the safety, security and quality of residential services: tool kits – *Healthy Eating Matters* and *Achieving Cultural Competence* – have been developed for use in licensed residential settings to support food and nutrition standards and cultural competency policies.

### **Best interests of the child**

388. As part of the Government of Ontario's commitment to the best interest of the child principle, it introduced the new *Child Protection Standards* in February 2007, to provide the framework within which Ontario's 53 Children's Aid Societies deliver child protection services to vulnerable children. The standards establish a minimum level of performance for Children's Aid Societies, child protection workers and supervisors and create a norm that reflects a desired level of achievement.

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

389. The *Policy and Program Memorandum 128* requires each school board in the Province of Ontario to have a Code of Conduct that must include the standards stated in the provincial *Code of Conduct* and include procedures and timelines for review. Reviews must be conducted at least every three years. In developing or reviewing these local standards of behaviour, the principal must take into consideration the views of the school council and seek input from students, staff, parents and members of the school community.

### **Training of professionals**

390. Children's Aid Societies workers have received training in child care and protection. They received training in the Ontario Practice Model, which was implemented in 2007. The Ontario Practice Model consists of the Looking after Children protocol to determine the needs for every child that comes into care, the Parent Resources for Information Development and Education and the Structured Analysis Family Evaluation training and assessment protocols for prospective adoptive and foster parents. Children's Aid Societies are mandated under the CFSA to provide services to children who are in need of protection.

## **Civil rights and freedoms (Articles 7, 8, 13-17 and 37)**

391. On May 25, 2007, a regulation under the *Vital Statistics Act* ([http://www.e-laws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_90v04\\_e.htm](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90v04_e.htm)) was amended to permit a new system of electronic birth registration to be phased in across Ontario. ServiceOntario, in partnership with ServiceCanada, has developed and implemented electronic birth registration for more than 46 percent of the province. This allows parents and hospitals/midwifery clinics to submit birth registration information directly to ServiceOntario, eliminating the need for municipalities to collect birth registration documents and forward these on to the Province for registration. This has eliminated municipal fees for birth registration (a barrier to registration) and reduced the time registration takes from an average of 20 weeks down to four weeks after the birth.
392. The *Child and Family Services Act* (CFSA) provides recognition of culture, heritage, traditions, religious, and regional differences for all children in need of protection. In particular, the CFSA mandates Children's Aid Societies to examine the options of kinship care or kinship service for children in care. The CFSA also recognizes that First Nations people should be entitled to provide, wherever possible, their own child and family services, in a manner that recognizes their culture, heritage and traditions and the concept of the extended family. To this end, the CFSA legislated the use of customary care for Indian or native children.

## **Family environment and alternative care (Articles 5, 9-11, 18-21, 25, 27 and 39)**

### **Adoption, search for birth parents and access to parental medical history**

393. Some intercountry adoptions must be finalized in Ontario and are not covered under the Ontario *Intercountry Adoption Act*, 1998. Ontario's CFSA has yet to be amended to reflect the ratification of the *Hague Convention of 1993 on the Protection of Children and Cooperation in Respect of Intercountry Adoption*. Legislative and regulatory changes are currently being examined in order to bring the CFSA into full compliance with the Hague Convention.
394. On May 14, 2008, the Ontario legislature passed the *Access to Adoption Records Act*, 2008, which provides for more open access to original birth registrations and adoption records, while balancing the rights of adopted adults and birth parents who wish to protect their privacy. Adopted adults and birth parents may still submit no contact notices if they do not want to hear from one another or notices of contact preference if they wish to specify how they wish contact to occur. Any notices registered to date remain valid. The Act includes a disclosure veto for adopted adults and birth parents involved in adoptions where the adoption order is made before September 1, 2008.



## **Child care and support services**

395. Since 2005, under the Best Start Strategy, the Government of Ontario has funded the creation of more than 22,000 new child care spaces across the province. As of January 2007, child care fee subsidies are assessed based on income, which has replaced the previous needs test.
396. An Automated Licensing Project was implemented across Ontario in 2006 to eliminate manual inspection report production and provide program advisors with an on-demand information system while on site in child care facilities. The project provides remote access to licensing tools, such as the Day Nurseries Manual and the child care program's licensing history.
397. *Early Childhood Education and Care in Canada 2006* ([www.childcarecanada.org/ECEC2006/index.html](http://www.childcarecanada.org/ECEC2006/index.html)) provides across-Canada data and information on regulated child care and kindergarten by province/territory, maternity and parental leave together with relevant demographic information.
398. In November 2006, amendments to the *Day Nurseries Act* were implemented to provide consistency with governmental and local school board policies and the flexibility needed to achieve the Best Start goals of integrating early learning and child care.
399. Also in November 2006, the Government of Ontario increased the maximum allowable deduction for recipients of the Ontario Disability Support Plan for informal child care costs to \$600 per child per month and the up-front child care benefit for informal child care to \$600. Where child care is provided by a licensed provider, the costs of child care (with no maximum costs) are eligible as a deduction from the recipient's monthly net employment earnings, training wages, or business income. For unlicensed providers, the costs of child care are eligible as a deduction up to a maximum of \$600 per child per month. The amount is the same for all children, including children who require child care for special circumstances.
400. In 2007:
- A special advisor was appointed to advise on implementing full-day learning for four- and five-year-olds starting in 2010-2011.
  - The province launched the Licensed Child Care Resource web site that provides families with improved access to information on licensed child care programs (<http://www.ontario.ca/ONT/portal51/licensedchildcare>).
  - Three-hundred new child care spaces were created for Aboriginal children.

## **Child and family benefits and other initiatives addressing child poverty**

401. Children's Aid Societies are required to invest in Registered Education Savings Plans for children aged zero to six years of age to promote engagement in post-secondary education.

402. The Cabinet Committee on Poverty Reduction is developing poverty indicators and targets and a focused strategy for reducing child and youth poverty, including:
- expanding opportunities so that all Ontarians - particularly children - can reach their full potential;
  - delivering more effective and efficient services that are tailored to the unique needs of individuals and families;
  - encouraging governments, business leaders, not-for-profit organizations, volunteers and individuals to work together to address poverty issues within the province; and
  - delivering a measurable poverty reduction plan that is also beneficial for the economy.
403. The Ontario Child Benefit (OCB) is a provincially funded benefit provided to low-income families with children between the ages of 0 to 18 years - regardless of whether or not they receive social assistance. The OCB is being phased in over a five-year period that began in 2007. In 2008, the OCB has been providing up to \$600 annually per child, reduced by eight cents for every dollar of adjusted family net income over \$20,000. This program helps parents receiving social assistance make the transition to work, because they continue to receive support for their children after beginning employment. By 2011, this investment will reach 1.3 million children in 600,000 families across Ontario.
404. Ontario's Student Nutrition Program was expanded recently to assist high needs communities as identified through a formula which includes the Low Income Cut-Off, single parent families and other factors.

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

405. Ontario has a well-established AMBER Alert program that quickly alerts the public about a missing or abducted child under 18 years of age who is believed to be in imminent danger. It is a voluntary program that can be activated by any police service in Ontario.
406. The request to activate an AMBER Alert must be made by a senior police officer who ascertains the accuracy of abduction information. Activation criteria include:
- confirmation that a child under the age of 18 years has been abducted;
  - belief that the circumstances surrounding the abduction indicates that the child is in danger of serious bodily harm or death; and
  - enough descriptive information about the child's abductor and/or suspect's vehicle to believe an immediate broadcast alert will help in locating the child.
407. A number of public notification strategies are then deployed through the commitment of several partners. This includes displaying the AMBER Alert on traffic and public transportation systems such as COMPASS,<sup>26</sup> RESCU<sup>27</sup> and the Toronto Transit

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<sup>26</sup> COMPASS refers to a large integrated freeway traffic management system in Ontario. More information can be found at [www.mto.gov.on.ca/english/traveller/trip/compass-ftms.shtml](http://www.mto.gov.on.ca/english/traveller/trip/compass-ftms.shtml).

Commission Changeable Message Signs. Information is also immediately communicated through radio, television and cable TV stations, posted on over 10,000 lottery terminals, and provided to anyone who has signed up for free notifications services through email and SMS text messaging. Over 15,000 people receive email/text messages when an Ontario AMBER Alert is issued. There are an undetermined number of people who then rebroadcast the message they receive.

### **Use of minor corrective force and alternatives to physical discipline of children**

408. All Ontario school boards have voluntarily abolished corporal punishment. The Policy/Program Memorandum No. 145 requires school boards to address progressive discipline and promote positive student behaviour.
409. Progressive discipline is a whole-school approach that uses a continuum of interventions, supports, and consequences to address inappropriate student behaviour and to build upon strategies that promote positive behaviour. When inappropriate behaviour occurs, disciplinary measures are applied within a framework that shifts the focus from one that is solely punitive to one that is both corrective and supportive. Ongoing interventions may be necessary to sustain and promote positive student behaviour and/or address underlying causes of inappropriate behaviour. For example, they include meetings with parents, volunteer service to the school community, conflict mediation, peer mentoring, and/or a referral to counselling.
410. The Ontario Early Years Centres support parents and caregivers and provide them with essential education, health and well-being information, including positive discipline measures.

## **Basic health and welfare (Articles 6, 18, 23, 24, 26 and 27)**

### **Pregnancy and early childhood development**

411. The Best Start Strategy provides families living in poverty with the skills and supports they need to help their children learn and succeed. Through early identification, delays in development are recognized in infants and young children and early intervention services are put in place so that those children receive the best possible chance at healthy development. Early years programs, such as Healthy Babies Healthy Children, specifically target children at risk, including those living in poverty, to identify and intervene so that the children become healthy, educated, confident and productive adults. Through the universal Early Learning Program in demonstration communities, children aged two and a half to four years old have access to the equivalent of two and a half hours per day of activities that support early learning, at no cost to parents.

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<sup>27</sup> RESCU is the City of Toronto traffic management system. More information can be found at [www.toronto.ca/rescu/](http://www.toronto.ca/rescu/).

412. The Aboriginal Fetal Alcohol Spectrum Disorder (FASD) and Child Nutrition Program are part of the Government of Ontario's Early Childhood Development Initiatives. Eighteen Aboriginal service providers and First Nations deliver these programs which provide services related to FASD and child nutrition to 180 Aboriginal communities both on- and off-reserve land. Each project site is responsible for developing and delivering programming activities that meet the needs of the local community. Services are delivered in three primary streams: support for families; health promotion and prevention; and delivery of training and capacity building opportunities.
413. The Government of Ontario also runs the Aboriginal Healthy Babies Healthy Children Program, delivered through the Aboriginal Healing and Wellness Strategy.
414. The Infant Hearing Program has implemented a system of remote assessment of hearing for children in remote communities using the Ontario Telehealth Network. Children are able to have their hearing assessed in their home, or closest major community by an audiologist located in a major urban centre.

### **Health care for Aboriginal and rural children**

415. Ontario boards of health provide public health programs and services to Aboriginal children both on- and off-reserve, including Healthy Babies, Healthy Children and childhood immunization.
416. The Government of Ontario continues to support a number of Aboriginal-specific health programs and services, including the Aboriginal Healing and Wellness Strategy,<sup>28</sup> mental health and addictions programs, and community health centres.
417. Ontario supports Akwe:go Urban Aboriginal Children's Program and Wasa-Nabin Urban Aboriginal Youth Program, two unique programs for urban Aboriginal children aged seven to 12 years and 12 to 18 years of age, addressing the mental health and wellness of Aboriginal children and youth in a culturally relevant and holistic manner. The fundamental goal of these programs is to provide at-risk Aboriginal children and youth with a strong foundation that will encourage their ability to make healthy choices throughout their lives.
418. In 2007, the Government of Ontario funded the Off-Reserve Coalition on Aboriginal Child and Youth Mental Health to complete a research project in order to ascertain the child and youth mental health landscape for Aboriginal children and their families living in urban communities.

### **Aboriginal youth suicide prevention**

419. Supports to Aboriginal children and families in the prevention of suicide include:

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<sup>28</sup> Described in Canada's Thirteenth and Fourteenth Reports on the *International Convention on the Elimination of All Forms of Racial Discrimination*.

- Aboriginal Child Protection Services, including six designated Aboriginal Children's Aid Societies; and
- Child Well-being and Prevention Initiatives - Services on Reserve.

### **Minimizing risks to adolescent health**

420. The Ontario Harm Reduction Distribution Program was established in July 2007, with the goal of providing single use drug-using equipment to people who use drugs in Ontario to reduce sharing and thereby decrease the risk of transmitting hepatitis C and HIV and other blood-borne pathogens. Educational materials have been developed to emphasize harm reduction practices and educate at-risk populations, specifically youth. As well, ongoing data collection and review of research identifies emerging harm reduction issues and evidence that further supports the goal of the program and the development of educational information on harm reduction initiatives.
421. A maternal-child-youth strategy is being developed for Ontario that will track and address the issues of suicide, sexually transmitted infections, injury and some mental health indicators on an annual basis. Presently, the efforts are focused on prevention for sexually transmitted infections (funding has been provided for the human papillomavirus vaccine) and there are mandatory laws for children under 12 to wear helmets when riding bicycles to prevent injuries. There is also a Mental Health and Addiction Strategy being developed to address the mental health needs of the general population, including children.
422. In 2006, the Government of Ontario released *A Shared Responsibility: Ontario's Policy Framework for Child and Youth Mental Health* that sets out the strategic direction for change in the delivery of child and youth mental health services over the next decade and outlines a broad continuum of services ranging from promotion/illness prevention through to highly-specialized services. The vision of the Framework is "an Ontario where child and youth mental health is recognized as a key determinant of overall health and well-being, and where children and youth grow to their full potential."
423. Utilizing videoconferencing, the Ontario Child and Youth Telepsychiatry Program provides children, youth and their families/caregivers living in rural, remote and under-served areas with access to a child psychiatrist without having to leave their home communities. In 2006-2007, the program provided close to 200 consultations with Aboriginal children and youth.

### **Adequate housing**

424. Ontario has taken specific measures to assist families and children obtain and maintain adequate housing, including:
- Rental Opportunity for Ontario Families is a \$185 million housing allowance program that provides financial supplements directly to low-income families to help

- pay the rent. Starting in January 2008, eligible families receive housing allowance assistance for up to five years.
- The Special Priority Policy under the *Social Housing Reform Act*, 2000 provides priority access to social housing for victims of abuse. Under the policy, households that have members who have experienced abuse can request to be included in the Special Priority Household Category for priority placement on the waiting lists for rent geared-to-income assistance, special needs housing or internal transfers.
425. To implement the \$80 million Aboriginal Housing Trust, Ontario has initiated discussions with Aboriginal communities to determine how best to use this funding to increase off-reserve Aboriginal housing.

## Homelessness

426. Ontario implements several initiatives to help the homeless and people at risk of homelessness, including:
- the creation and repair of affordable housing supply;
  - the provision of housing allowances and rent supplements;
  - a Provincial Rent Bank Program to prevent evictions;
  - strong protection against unlawful eviction under the *Residential Tenancies Act*; and
  - a commitment to develop a long-term affordable housing strategy.
427. Municipalities are the service system managers for homelessness prevention programs and determine the scope of services necessary to address the issue of homelessness at the local level. A number of municipalities in Ontario have produced reports that analyze trends and issues faced by their local homeless population, including children and youth. This research is used to inform local decision-making.
428. The Government of Ontario provides funding to municipalities to provide services such as housing, community supports, mental health and addictions. Through the Consolidated Homelessness Prevention Program, municipalities are provided with funding to develop programs and conduct research that will assist individuals and families who are homeless or at-risk of homelessness.
429. The Ontario Municipal Social Services Association (OMMSA) is a non-profit organization that represents municipal service managers in delivering social and community services throughout Ontario. In April 2008, OMSSA released a report entitled *A Strategy to End Homelessness* ([www.omssa.com/lib/Db2file.asp?fileid=21607](http://www.omssa.com/lib/Db2file.asp?fileid=21607)), which included recommendations for all levels of government with respect to coordination, strategic policy, funding and service delivery for homelessness prevention.
430. The Government of Ontario and York University have partnered on two research projects to examine the role of affordable housing in exits from homelessness and children's educational achievement and a longitudinal research study on housing and children's educational outcomes. Final reports for both research projects will be considered in the

context of the government's commitment to implement a Long Term Affordable Housing Strategy.

## **Education, leisure and cultural activities (Articles 28, 29 and 31)**

431. The preservation and maintenance of the facility in first languages is a component of the English language learner strategy and the International Languages program that provides students in both elementary and secondary schools support for maintenance and development of their first languages.
432. Cultural diversity is a component of the Grades 9-12 Canadian and World Studies curriculum. For example, in the Grade 10 Academic and Applied Canadian History courses, students are expected to identify the diverse contributions to Canada's multicultural society by various communities (e.g., Aboriginal peoples, Franco-Ontarians, Black Canadians, Doukhobors, Mennonites, local immigrant communities). In the Grade 12 Canada: History, Identity and Culture course, students are expected to learn about Aboriginal life prior to contact with Europeans (e.g., traditional economies, spirituality, relationship with the environment, political organization) and assess the extent to which Canadian identity and culture have been influenced by Aboriginal peoples.

## **Education for Aboriginal children, rural children and children at risk**

433. Ontario has implemented new programs to address higher dropout rates in Aboriginal, rural and remote communities and among higher risk youth, including adult education and the Youth Apprenticeship Program, making it easier for individuals to return to school or continue their education
434. Additional examples include:
- Specialist High Skills Majors allow students to focus on a future career through a bundle of classroom courses, workplace experiences and sector certifications; Band Council advisors are included in the board and/or school advisory committees of Specialist High Skills Major Programs.
  - Expansion of Cooperative Education allows students to count this hands-on learning towards two compulsory high school credits.
  - Dual Credits count towards a student's high school diploma as well as a college certificate, diploma or apprenticeship certification. Aboriginal students are identified as a target group of students for enrolment in Dual Credit programs and some have an Aboriginal focus, designed to appeal to and engage Aboriginal students.
435. Ontario's *Aboriginal Education Strategy* for First Nation, Métis and Inuit students supports learning and achievement for Aboriginal students with respect to their cultures, histories, and perspectives in schools. The Strategy was launched in January 2007, with the release of the First Nation, Métis and Inuit Education Policy Framework. The

Framework provides the strategic policy context within which the Ministry of Education, school boards and schools will work together to support the academic achievement of Aboriginal students in provincially-funded schools.

436. The Aboriginal Secondary School Program in Native Friendship Centres specifically addresses the needs of disengaged, urban Aboriginal students and helps them complete their secondary school diploma. The program has proven to be successful in addressing the learning and cultural needs of Aboriginal youth.
437. The Government of Ontario has also developed a framework of “lenses” to review curriculum. One of the lenses is that of an Aboriginal perspective to facilitate learning about contemporary and traditional First Nation, Métis, and Inuit cultures, histories, and perspectives among all students.

## **Special protection measures (Articles 22, 30 and 32- 40)**

### **Protection of refugee children, separated children and unaccompanied children seeking asylum**

438. Children’s Aid Societies (CAS) are mandated to provide services to children and youth in need of protection who are under the age of 16 years. A CAS will carry out an investigation of a suspected unaccompanied minor and determine the specific protection needs of a child if his/her current whereabouts are within that CAS jurisdiction, or if the child normally resides within this jurisdiction. The CAS ensures that once the immigration officer releases the child to the CAS, the child will have access to appropriate government services. Also, the CAS will meet the immediate needs of the unaccompanied minor such as housing, psychosocial assessment, health services, education and continued follow-up as required.
439. Regulation 552 of the *Health Insurance Act* states that refugees are eligible for Ontario health insurance coverage provided that they meet the regulated residency requirements. Refugees are also exempt from the three-month waiting period.
440. In July 2006, the Government of Ontario amended Regulation 552 of the *Health Insurance Act* to exempt Canadian citizens and Permanent Residents/Landed Immigrants from the three-month waiting period for Ontario Health Insurance Plan coverage, if they arrive in Ontario after July 20, 2006, from a foreign country where an evacuation effort is being undertaken or facilitated by the federal government.

### **Protection of children from sexual exploitation and sexual abuse, and the sale, trafficking and abduction of children**

441. Where children who may be at risk of sexual abuse or exploitation have been reported to a Children's Aid Society, workers are required to use modern, updated and evidence-based Eligibility Spectrum, Ontario Child Protection Standards and Tools to assess risk to



a child's safety and match their response to the needs of the child and family. These Standards include more stringent provisions for assessments, investigations and case management.

442. The *Provincial Strategy to Protect Children from Sexual Abuse and Exploitation on the Internet* was implemented in 2006. The Strategy is an integrated model that promotes collaboration among justice partners – Ontario's police services, Crown attorneys and victim services personnel. The initiative's partners work together to address the complete picture of Internet child exploitation, from the outset of the investigation. It includes efforts to identify and rescue the child victims, and provides the support services they need. It also aims to help prevent the cycle of recurring victimization. Since the start of the reporting period, this initiative has resulted in:
- police, Crown attorneys and victim services working together to deal consistently and effectively with instances of Internet child exploitation;
  - a 50 percent increase in the number of offenders charged with Internet child exploitation offences;
  - increased training for dedicated Crown prosecutors;
  - specialized police teams for investigating child-luring and identifying children in images of child exploitation;
  - new counselling programs for child victims; and
  - the identification of over 300 child victims of online sexual abuse and exploitation in Ontario.
443. The Government of Ontario continues to provide public education in regards to protecting children while online. In 2007, 82 presentations were given to over 10,000 attendees.
444. YTV (a major children's television network) has partnered with the Government of Ontario and has added an interactive game and information spots to their web site to educate children on how to protect themselves online. Thousands of children have registered on this interactive game. YTV's target audience is eight to 13 year olds. Additional advertisements were run on the network's television programming.
445. A sex offender registry, created under the statute *Christopher's Law (Sex Offender Registry) 2000*, is another investigative tool for police forces that provides information that may help prevent and solve crimes of a sexual nature.
446. The Ontario Victim Services Secretariat has introduced an Internet Child Counselling Program in support of victims. Through the provincial strategy to protect children from Internet crimes, it has formed a partnership with Crimestoppers regarding detection of crimes.
447. The Ontario Victim Services Coordinator has established investigative protocols and techniques that pay special attention to identifying and locating child victims while investigating child pornography offences.

448. The Government of Ontario identified 138 victims in 2007 and 33 more victims were rescued by Provincial Strategy partners. The Government of Ontario works collaboratively with other governments and NGOs such as Cyber Tip, Kids Internet Safety Alliance and Child Find, nationally and internationally to identify victims.

### Protection from economic exploitation

449. Ontario has taken appropriate legislative measures through its health and safety regulations, under the *Occupational Health and Safety Act (OHSA)* ([http://www.e-laws.gov.on.ca/html/statutes/english/elaws\\_statutes\\_90o01\\_e.htm](http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90o01_e.htm)), to set minimum age requirements based on the level of risk in particular activities or sectors.

450. The following minimum ages for workers are prescribed by Regulation:

| Activity / Sector   | Minimum Age |
|---|-------------|
| Construction projects   | 16 years    |
| Logging operation   | 16 years    |
| Factory other than a logging operation                            | 15 years    |
| Workplace other than a factory (e.g., office, stores, restaurant) | 14 years    |
| Mining plant or a surface mine, excluding the working face        | 16 years    |
| Underground mine or at the working face of a surface mine         | 18 years    |
| Oil & Gas – Offshore  | 18 years    |
| Window cleaning   | 18 years    |

451. According to the OHSA, young workers, like all workers in Ontario, have the right to refuse work when he or she believes that work might endanger him or herself or another person.
452. The Government of Ontario, the Workplace Safety and Insurance Board, and its health and safety partners across the province, have put a number of measures into place to reduce the risk for workplace injuries among young workers. For instance, its web site includes information for employers on how to be proactive in making their workplaces as safe as possible for new and young workers. Inspectors focus on orientation, training and supervision of new and young workers when they make visits to workplaces.
453. The majority of research on child/youth labour conducted in Ontario is centred on injury rates among workers under 24 years old. Statistics from 2006, illustrate the number of workplace injury claims among 15 to 24 year olds versus other age groups. The total number of claims received in 2006, including both lost-time and no lost-time injuries, were 260,760. Of the total number of injury claims, 17.1 percent were made by young workers aged 15-24. Of the total number of allowed lost-time injury claims (83,179), 13.7 percent were young workers. Since 2002, the total number of allowed lost-time injuries has been reduced by a total of 3,102 injuries or approximately 21.4 percent.

## Children in conflict with the law

454. The key components of service delivery of programs for children in conflict with the law include comprehensive risk assessment, effective case management, reintegration and community-based programming. Services include:
- a range of community-based interventions and alternatives to custody that are responsive to the issues of youth in conflict with the law and build community capacity to respond to these issues, fostering safer communities;
  - supervision of youth with community sentences such as probation, community and personal service orders by probation officers;
  - effective community programming that contributes to community safety and promotes effective rehabilitation of young persons who have been diagnosed with a serious mental health illness or disorder; and
  - creating opportunities for youth to make appropriate, informed decisions that reduce the number of youth coming into conflict with the law.
455. Since the introduction of the *Youth Criminal Justice Act (YCJA)*, there has been a significant drop in detention counts in Ontario.
456. Ontario is moving from a predominantly custody-based system to a system that offers a broad range of evidence-based community and custodial programs and services that address the needs of youth, their families and communities.
457. An integrated and dedicated justice system for youth aged 12 to 17 at the time of their offence that is separate and apart from the adult system is being established in Ontario. All youth in units currently co-located within adult correctional facilities will be removed from adult correctional facilities by March 2009. These new facilities are designed to meet the unique needs of youth and to provide services as close to home as possible.
458. For Aboriginal youth, the Government of Ontario runs the Aboriginal Alternatives to Custody Programs. Supports include counselling services, addictions and substance abuse programming, healing circles and Elder support, recreational program and mentoring. Each program is tailored to meet the specific needs of its community.
459. The Government of Ontario has implemented policies and procedures based on the YCJA, which recognize the importance of confidentiality to a young person's rehabilitation and reintegration as well as the long-term protection of the public. The policies and procedures provide strict limitations on the publication of information about young persons in conflict with the law who are under age 18 at the time of the offence. They also provide strict limitations on the access to, and disclosure of, information and records about young persons.
460. Ontario established the Youth Justice Committee Program in 1999 and has introduced youth justice committees to 57 communities throughout Ontario. The Program is an extrajudicial measures/sanctions program under the YCJA. A youth justice committee

brings together a young person aged 12-17 alleged to have committed a low-risk offence, his or her parent(s), the victim and trained members of the community to negotiate an appropriate way for the young person to make amends for his or her actions. Youth justice committees engage young persons in a restorative process and provide an increased role for victims and communities in dealing with minor offences committed by young persons who are prepared to be accountable. Measures take into consideration the individual circumstances of the offence and the young person, including situations where young persons may benefit from specific programs and/or services that address physical or psychological recovery and reintegration into the community.

461. The Youth Mental Health Court Worker (YMHCW) provides supports to Youth Justice Court for transitional aged youth 16 years and older with mental health issues and functions as a short-term 'bridge' between these systems to reduce barriers to youth accessing necessary mental health and ancillary services to reduce recidivism. In cooperation and with the approval of the Youth Justice Court, the YMHCW facilitates the diversion of youth out of the criminal justice system and provides referral supports to link the youth with community-based mental health services.
462. The Intensive Support and Supervision Program (ISSP) is a pilot program that provides a clinically-focused, community-based individualized program designed to deliver services appropriate to the youth's level of functioning and to target those specific needs or underlying mental health issues that are recognized as contributing to the youth's offending behaviour. ISSP is designed for youth who would benefit from an extended period of intensive, highly structured and closely supervised programming in the community.

### **Optional Protocol on the Involvement of Children in Armed Conflict**

463. A Child and Youth Mental Health Extraordinary Circumstances Reserve was created in 2007 to provide time-limited support for agencies in communities facing an immediate need for child and youth mental health services caused by an extraordinary circumstance/crisis that cannot be met within existing resources. This includes war-affected children.

## Manitoba

### General measures of implementation (Articles 4, 42 and 44)

#### Child expenditures

464. For information on children services and expenditures by the Government of Manitoba for children, including Early Childhood Development, see the following reports:
- Healthy Child Manitoba's Annual Reports  
([www.gov.mb.ca/healthychild/about/annual.html](http://www.gov.mb.ca/healthychild/about/annual.html))
  - Manitoba Family Services and Housing Annual Reports  
([www.gov.mb.ca/fs/about/annual\\_reports.html](http://www.gov.mb.ca/fs/about/annual_reports.html))
  - Manitoba's Five-Year Plan for Child Care (2002-2007)  
([www.gov.mb.ca/fs/childcare/five\\_yr\\_plan.html](http://www.gov.mb.ca/fs/childcare/five_yr_plan.html))
  - Manitoba's Early Childhood Development Progress Update Reports  
([www.gov.mb.ca/healthychild/ecd/ecd\\_reports.html](http://www.gov.mb.ca/healthychild/ecd/ecd_reports.html))
  - Manitoba's Early Childhood Development  
([www.gov.mb.ca/healthychild/ecd/index.html](http://www.gov.mb.ca/healthychild/ecd/index.html))
  - Manitoba Education Citizenship and Youth's Grants in Education  
([www.edu.gov.mb.ca/edu/grants.html](http://www.edu.gov.mb.ca/edu/grants.html))

#### Data collection and dissemination

465. The Government of Manitoba collects data on stillbirths and births through the Vital Statistics Agency. This data is shared with the Government of Canada under approved disclosure mechanisms.
466. The Government of Manitoba annually commissions a series of data deliverables from the University of Manitoba's Centre for Health Policy, which conducts secondary analyses of administrative data from the Government of Manitoba. In 2005, the Government of Manitoba permanently allocated one of these annual deliverables to the Healthy Child Committee of Cabinet to focus on child-centred analyses of cross-departmental interest. The Government of Manitoba works in partnership with the Centre in the secondary analyses of data for these cross-departmental deliverables.
467. In the Kindergarden to Grade 12 system there are protocols in place for sharing information relevant to the education of students, with due consideration to existing access and privacy legislation. Pupil file guidelines provide direction on the sharing of information within Manitoba.
468. Examples of research and reports that occurred within Manitoba include: *Adolescence without Shelter: A Comprehensive Description of Issues Faced by Street Youth in*

Winnipeg,<sup>29</sup> and *Strengthening our Youth” Their Journey to Competence and Independence: A Report on Youth Leaving Manitoba’s Child Welfare System.*<sup>30</sup>

469. The latter report (which identified the issue of homelessness as one outcome for youth exiting care) was incorporated along with four other external reviews into the child welfare Changes for Children initiative announced in the fall of 2006. This initiative is designed to respond to the 289 recommendations arising from the external reviews, through seven thematic areas: enhancing primary prevention, early intervention for families, enhanced support for front-line workers, improved communication, strengthening the governance structure, securing the federal role, and improvements to child death reviews. Addressing issues facing youth aging out of care is one of the areas for action within this framework (which is overseen by the Child and Family Services Standing Committee, created by *The Child and Family Services Authorities Act 2003*).

### **Coordination and monitoring of children’s rights**

470. In 2004-2005, the Government of Manitoba established a program review team of the Healthy Child Manitoba partner departments, to develop a new Early Childhood Development (ECD) centred estimates process. The ECD-Centred Estimates Process establishes annual cross-departmental inventories of ECD programs and expenditures, and is Manitoba’s key mechanism for intergovernmental and joint community-government planning, funding, and evaluation of ECD initiatives and activities.
471. In December 2007, the Government of Manitoba proclaimed *The Healthy Child Manitoba Act* (HCM Act), which commits the government to inter-sectoral collaboration, evidence-based decision-making, and increased investments in prevention and early intervention, particularly in the areas of early childhood development; physical and emotional health; safety and security; learning success; and social engagement and responsibility. The Act commits the Government of Manitoba to reporting regularly on children’s development and directs the collecting and sharing of data for the purpose of researching, planning, implementing, evaluating or monitoring the Healthy Child Manitoba Strategy.
472. The HCM Act establishes the Provincial Healthy Child Advisory Committee to advise the Healthy Child Committee of Cabinet and the Healthy Child Manitoba Office about any matter relating to the Healthy Child Manitoba strategy, and to assist in identifying and assessing community strengths and needs relating to children and their families. It also legislatively establishes parent-child coalitions in all regions of the province.
473. *Protection of the Child: The Child and Family Services Authorities Act* (<http://web2.gov.mb.ca/laws/statutes/ccsm/c090e.php>) came into force in November 2003, and created: four authorities responsible for the delivery of child and

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<sup>29</sup> Jennifer Bodnarchuk, Ph.D., David Patton, Ph.D. and Troy Rieck (April 2006); [www.rayinc.ca/Documents/Adolescence%20without%20Shelter%20-%20AFM%20Final\\_Report.pdf](http://www.rayinc.ca/Documents/Adolescence%20without%20Shelter%20-%20AFM%20Final_Report.pdf)

<sup>30</sup> Billie Schibler (Children’s Advocate) and Alice McEwan- Morris (November 2006); [www.childrensadvocate.mb.ca/English/Assets/Strengthening%20Our%20Youth%20-%20Final%202006.pdf](http://www.childrensadvocate.mb.ca/English/Assets/Strengthening%20Our%20Youth%20-%20Final%202006.pdf)

family services (including adoption) to their constituent populations; a Child and Family Services Standing Committee to advise and collaborate on resolving issues in the system; and a Leadership Council consisting of the political leaders of the Manitoba Métis and First Nations chief organisation and a Manitoba minister to discuss issues related to child and family services.

474. The Government of Manitoba is also represented on several local, provincial, and national committees, including the: Canadian Council on Learning – Early Childhood Learning Knowledge Centre; Canadian Institutes of Health Research; Canadian Language and Literacy Research Network; Centre of Excellence for Early Childhood Development; Community Data Network; Council for Early Childhood Development; Understanding the Early Years; Invest in Kids Foundation; Many Hands, One Voice; and Statistics Canada's *Aboriginal Children's Survey* and *National Longitudinal Survey of Children and Youth*.

### **Complaint mechanisms**

475. In 2007, the role of the Children's Advocate was expanded through an amendment to *The Child and Family Services Act* (<http://web2.gov.mb.ca/laws/statutes/2007/c01407e.php#1>) to include an automatic review of an agency after the death of a child in its care. The Children's Advocate must also now report the findings of the review with recommendations.

### **Promoting awareness and understanding of the Convention**

476. As part of Manitoba's ongoing training for administrators and educators on legislation and regulations that impact on schools, a section on the *Convention on the Rights of the Child* is included. This training opportunity for professionals in the Kindergarten-Grade12 schools occurs annually.
477. The Manitoba Human Rights Commission and the Children's Advocate endeavour to inform children of their rights, including their rights under the *Convention on the Rights of the Child*. For example the Commission holds annual Youth Conferences throughout Manitoba. The Manitoba Human Rights Commission, the Children's Advocate and Ombudsman have information on-line ([www.gov.mb.ca/hrc/english/rights\\_of\\_youth.html](http://www.gov.mb.ca/hrc/english/rights_of_youth.html) and [www.gov.mb.ca/hrc/english/docs/human\\_rights.pdf](http://www.gov.mb.ca/hrc/english/docs/human_rights.pdf)).

### **Definition of the child (Article 1)**

478. The Government of Manitoba funds a number of programs that help immigrant children integrate into Manitoba society. For the purposes of these programs, 'children' are defined as individuals who are 6 to 18 years old, although individuals up to 19 years old may participate in some programs.

## **General principles (Articles 2, 3, 6 and 12)**

### **Non-discrimination**

479. The Government of Manitoba funds a variety of newcomer youth projects that support the goals of non-discrimination and cultural diversity. During the reporting period, a number of projects and initiatives were introduced:

- The Boys and Girls Clubs Community Support Worker Project provides resources to members who are newcomers to Canada and their parents/families in areas such as short-term crisis intervention, including tailored services that are directly responsive to identified individual needs.
- The Graffiti Art Programming Inc. and Art City Art Workshops are a series of workshops offering art programming to newcomers aged six to 18 as a tool to reinforce relationship building, mentorship, education, and family support.
- The Spence Neighbourhood Association Newcomer Youth Programming funds a youth worker who works in cooperation with City of Winnipeg Community Services in a drop-in program to help integrate and facilitate the settlement of newcomer youth aged 13 to 19.
- The YMCA-YWCA Newcomers Program provides six month memberships for newcomer youth aged 12 to 17 and to 300 families to access programming.
- The Youth Employment for Newcomers program is a training and work experience program that helps newcomer high school students develop the employability skills required to enter and successfully participate in the Canadian labour market.
- The After School Program is a program for immigrant children aged 12 to 18 that offers support in the areas of computer use, homework and recreational activities.
- INTRO introduces refugee youth aged six to 12 to Canadian education and culture.
- The Assistant Deputy Minister's Committee on Youth seeks to remove barriers and provide appropriate support and programming to assist newcomer youth settlement in Manitoba by identifying existing programs to assist newcomer youth in settling and remaining in Manitoba, and ways of responding to gaps in programming to address the needs.
- The Youth Peace Building Project is an eight-day gathering among Aboriginal, refugee and mainstream Winnipeg youth between the ages of 14 and 16 along with mentors from the same identity groups. Facilitators engaged in trust building, transformation dialogue, perspective sharing, conflict resolution training and other forms of interaction to establish strong relationships across the identity groups.
- The New Settlement Strategy identifies the need for project-based activities to meet the specific needs of immigrant and refugee groups, such as women, youth, persons with disabilities and vulnerable populations. This includes a range of programs to address psycho-social needs related to adaptation, family violence, intergenerational communication, parenting, youth development and crime prevention.

480. In 2003, the Manitoba legislature passed *The Child and Family Services Authorities Act* (<http://web2.gov.mb.ca/laws/statutes/ccsm/c090e.php>) described in Canada's Fifth



Report on the *International Covenant on Civil and Political Rights. The Child and Family Services Authorities Act Regulation* requires the completion of an “Authority Determination Protocol,” which gives families (as well as children in/entering independent living and minor or expectant minor parents) the opportunity to choose by which culturally-appropriate Child and Family Services Authority/Agency they wish to be served.

481. The Manitoba curriculum is infused with the promotion of accepting diversity within the community. *Belonging, Learning, and Growing: Kindergarten to Grade 12 Action Plan for Ethnocultural Equity* was released in 2008 and its web site provides resources to educators to address a variety of issues related to potential discrimination ([www.edu.gov.mb.ca/k12/cur/diversity/index.html](http://www.edu.gov.mb.ca/k12/cur/diversity/index.html)).

### **Best interests of the child**

482. *The Child and Family Services Act* has, as one of its basic principles, that “the safety, security and well-being of children and their best interests are fundamental responsibilities of society.”
483. As of May, 2007, a parent education program, “For the Sake of the Children”, became a mandatory prerequisite for Manitobans requesting or responding to a request for orders of child custody, child access or private guardianship. The program focuses on how children are affected by parental separation or divorce and teaches parents lower-conflict methods of communication.

### **Training of professionals**

484. The Government of Manitoba ensures comprehensive training and professional development opportunities for program staff, in order to continually improve child-centred outcomes for its programs. Examples of child-centred training curricula made available to program staff include: Growing Great Kids, Manitoba Curriculum for Training Home Visitors, Nobody’s Perfect Parenting Program, Bookmates Family Literacy Program, Roots of Empathy Program, Fetal Alcohol Syndrome Disorder (FASD) Prevention and Support, Stop FASD Mentoring, and Triple P Positive Parenting Program.
485. Training is ongoing, and the interdepartmental approach to gathering information and sharing initiatives has benefitted a number of departments. The periodic reporting and the information sessions have led to an increased understanding of the multifaceted approach to addressing the needs of children.
486. Examples of training offerings in which the best interest of the child principles are reflected include: child abuse investigation/interviewing, relationship-based strength approach, non-violent crisis intervention, suicide prevention, orientation to the Child and Family Services system, FASD and child and youth care approach. Manitoba also provides ongoing training in core competency areas for child welfare workers (endorsed

by the Child Welfare League of America and Canada) including an introductory series (which includes orientation to the legislation and its principles), a supervisory series, and specialty modules (e.g., Applied Suicide Intervention Skills Training, Sexual Exploitation of Children and Youth, etc.) which also emphasize the best interests principle.

487. Training is available for staff in the areas of childhood disability, intervention techniques and family-centred practice. These topics assist staff to better understand the unique needs of the child and support the family to make decisions that are in the “best interests” of their child. Training is also provided to tutors and educators to deliver the Applied Behaviour Analysis program to children with a diagnosis on the autism spectrum.

### **Civil rights and freedoms (Articles 7, 8, 13-17 and 37)**

488. Every effort is made to support and foster the cultural identity of children in care through appropriate cultural matching of child to caregiver and through the provision of access to cultural teachings and experiences consistent with the child's identity. Two of the many responsibilities of caregivers directly relate: the responsibility to accept and support the biological parents of the child and to assist and cooperate in visits between the child and his or her family; and the responsibility to encourage and promote the child's participation and involvement in his or her religious or spiritual and cultural beliefs.
489. The Manitoba Vital Statistics Agency's collection and preservation of Manitoba birth information enables children to establish identities for registration at school, drivers' licenses, and passports; and parental information when and if they are so desired.

### **Family environment and alternative care (Articles 5, 9-11, 18-21, 25, 27 and 39)**

#### **Adoption, search for birth parents and access to parental medical history**

490. The *Intercountry Adoption (Hague Convention) Act and Regulation* was passed February 19, 1999 (<http://web2.gov.mb.ca/laws/statutes/ccsm/a003e.php>).

#### **Child care and support services**

491. Major program changes included the following:
- A multi-year plan for child care in Manitoba (2002 to 2007) was announced to maintain and improve child care quality, accessibility and affordability ([www.gov.mb.ca/fs/childcare/five\\_yr\\_plan.html](http://www.gov.mb.ca/fs/childcare/five_yr_plan.html)).
  - Funding was provided to support an increase to the number of spaces receiving an operating grant throughout the period.
  - Training initiatives were established or expanded to increase the number of trained early childhood educators in the province (between 2003 and 2006).

- Operating grants were increased to child care centres and family child care homes (2004, 2005 and 2007), to increase wages for early childhood educators, and help improve recruitment and retention in the sector.
  - In 2005, nursery school funding was enhanced to increase the number of subsidized spaces.
  - In 2006, a recruitment fund was established to attract qualified staff back to the field of child care and a Capital and Leasehold Improvements Program was created for child care centres.
  - In 2007, the child care subsidy program was improved by adjusting income levels and allowable deductions and Quality Enhancement Initiatives were started, including using the Early Childhood Environmental Rating Scale to support the development of quality enhancement plans, and quality and curriculum frameworks.
  - Exceptional circumstances grants also began being issued in 2007 to assist centres with unexpected costs.
492. There are annual re-licensing inspections and additional annual assessment visits to licensed programs to ensure compliance with provincial regulations under *The Community Child Care Standards Act* (<http://web2.gov.mb.ca/laws/statutes/ccsm/c158e.php>).

### **Child and family benefits and other initiatives addressing child poverty**

493. Between October 2003 and December 2007, Manitoba moved forward on a number of benefit enhancements and exemptions that place more income in the hands of income assistance participants and other low-income Manitobans. These changes are reflected in *The Employment and Income Assistance (EIA) policy manual* ([www.gov.mb.ca/fs/eiamanual](http://www.gov.mb.ca/fs/eiamanual)) or *The EIA Regulation* ([www.gov.mb.ca/fs/eiamanual/2.html](http://www.gov.mb.ca/fs/eiamanual/2.html)).
494. *The Common-Law Partners' Property and Related Amendments Act* came into force June 30, 2004, including common-law partners within Manitoba's family property-sharing regime. Children of common-law relationships indirectly benefit when the law provides for an equal division of property on relationship breakdown.
495. Portions of *The Improved Enforcement of Support Payments (Various Acts Amended) Act* came into force March 31, 2005, including several measures to enhance the ability of the Maintenance Enforcement Program to collect support payments and support arrears.
496. Manitoba's Child Support Recalculation Service began operating in the spring of 2005. The service administratively recalculates child support orders on a regular basis and adjusts child support to correspond to the current income of the payer parent. Children thereby benefit from any increase in parental income without requiring the receiving parent to bear the expense of a variation application through the court. In November 2007, enhancements were made to the Child Support Recalculation Service and legislation was enacted to improve access to information for locate purposes in inter-

jurisdictional support cases under *The Family Maintenance Act* and *The Inter-jurisdictional Support Orders Amendment Act*.

497. Manitoba tax credits for the benefit of children include the following:
- Budget 2007 raised the Eligible Dependent amount from \$6,482 to \$8,034, matching the Basic Personal Amount.
  - Effective January 1, 2008, the Manitoba Family Tax Benefit has been enhanced and is folded under the non-refundable tax credit block. Manitobans can claim \$2,065 for an eligible dependent and \$2,752 for each dependent 18 years of age or younger.
  - The Children's Fitness Tax Credit is a non-refundable tax credit based on eligible fitness expenses paid to register a child in a prescribed program of physical activity. Parents can claim up to \$500 per year per child who is under 16 years of age (\$1,000 for children with disabilities).
498. In April 2007, the Government of Manitoba announced Rewarding Work, a four-year strategy focused on easing the transition from welfare to work that seeks to enhance employability, encourage work, ease the transition to employment and support employment retention. This strategy includes initiatives for single parents, families and other target groups to leave income assistance for employment.

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

499. *The Child and Family Services Act (Child Protection Penalties)* came into force in June 2005. It substantially increased penalties for various offences under the Act, including for the purported sale of a child for any purpose.
500. As the Canadian common law jurisdiction representative, Manitoba participated in the fall 2006 Special Commission to review the operation of the 1980 *Hague Convention on the Civil Aspects of International Child*. A Manitoba judge also sits on the Special Committee on International Parental Child Abduction established by the Canadian Judicial Council in September 2006.

### **Use of minor corrective force and alternatives to physical discipline of children**

501. Training programs provided in partnership with school divisions and the Government of Manitoba focus on a positive approach to behaviour management. A series of Core Competency training sessions (four in each series) continue to be provided for educators. The training sessions focus on school-wide behaviour management, school safety, positive behaviour management, and effective ways to deal with aggressive students.
502. The Government of Manitoba has policies in place preventing the use of physical punishment in child care facilities and alternative care arrangements ([www.gov.mb.ca/fs/childcare/quality\\_child\\_care.html](http://www.gov.mb.ca/fs/childcare/quality_child_care.html)). A pamphlet on discipline has been published to support parents in making positive discipline decisions ([www.gov.mb.ca/health/documents/discipline.pdf](http://www.gov.mb.ca/health/documents/discipline.pdf)).

## **Basic health and welfare (Articles 6, 18, 23, 24, 26 and 27)**

### **Pregnancy and early childhood development**

503. Since its conception in 2000, prevention of Fetal Alcohol Spectrum Disorder (FASD) is a core component of the Healthy Child Manitoba Strategy and, as such, is reflected in a range of programs, activities and partnerships, which have been developed, implemented and expanded. For example, in 2006-2007, the Government of Manitoba partnered with the Government of Canada to provide FASD mentors working in First Nations communities with training in the Stop FASD mentoring model. In 2003, the universal Families First postpartum screening, collected by public health nurses in all regional health authorities of Manitoba, added a dedicated module on alcohol use during pregnancy.
504. Beginning in 2003-2004, the Children's Therapy Initiative has provided funding to reduce wait lists and ensure that children, including those in rural and remote locations, have improved access to community-based therapy services (i.e., occupational therapy, physiotherapy, speech-language therapy, and audiology).
505. The Healthy Baby Manitoba Prenatal Benefit Program provides a monthly financial benefit to pregnant women with a net family income of less than \$32,000 a year, including residents of First Nations on-reserve communities, to help women with low income to meet their extra nutritional needs during pregnancy.
506. Information on the *Applied Behaviour Analysis for Children with Autism Spectrum Disorders* is provided in Canada's response to advance questions with regard to the review of its Second Report on the *Convention on the Rights of the Child*. As of December 2007, 58 pre-school and 47 school-age children with Autism Spectrum Disorders receive this intervention.
507. Announced in 2008, the Rural and Northern Special Education Initiative supports families and schools and has two major goals: increasing the skills of professionals living and working in rural and northern Manitoba and increased specialist consultant support. Specialists hired by the Government of Manitoba will be available to assist school divisions in programming for students with exceptional needs, including FASD, in their home communities.

### **Aboriginal youth suicide prevention**

508. A number of resources are available through Government of Manitoba consultants for educators and at [www.gov.mb.ca/healthyliving/mh/docs/suicide\\_prevention\\_framework.pdf](http://www.gov.mb.ca/healthyliving/mh/docs/suicide_prevention_framework.pdf).
509. In 2007, the child welfare system distributed materials on suicide prevention to its agencies for their staff and caregivers and provided training for caregivers and staff in

child welfare in suicide prevention. Such training is an ongoing part of training provision for those working in the child welfare system.

510. The Aboriginal Sub-Committee for Suicide Prevention is developing activities and implementing recommendations stemming from the provincial Framework for Suicide Prevention in partnership with the Government of Manitoba, the Government of Canada, the Assembly of Manitoba Chiefs, and Mother of Red Nations. Key areas of the work plan include activities in assessment and planning, awareness and understanding, mental health promotion, intervention and prevention, and research.

### **Minimizing risks to adolescent health**

511. In 2006, a literature review and environmental scan were developed as part of the strategic plan to ensure policy and program initiatives meet the needs of Manitoba's most vulnerable children and families.
512. Promoting a harm reduction philosophy, the Government of Manitoba works with community agencies, service providers and health professionals to offer strategies and interventions that reduce risk factors for young people, improve sexual and reproductive health outcomes, promote health and wellness, and support adolescent parents ([www.harmreductionnetwork.mb.ca/](http://www.harmreductionnetwork.mb.ca/)).
513. The cross-departmental Healthy Schools Manitoba promotes the health of school communities, through awareness promotions, community-based activities and public resource materials, in physical health, safety and injury prevention, substance use and addictions, sexual and reproductive health, and mental health.
514. *The Youth Drug Stabilization (Support for Parents) Act* came into force in November 2006. It allows a parent to apply to court for an order to apprehend a child who is seriously and persistently abusing drugs. The child can be detained in a stabilization facility for detoxification and treatment for up to 30 days.

### **Homelessness**

515. In April 2007, the Government of Manitoba announced that under the new low-income housing strategy, homelessness would become a departmental focus in the housing portfolio. As a result, a number of key activities have been undertaken through the new provincial Homeless Initiative, including a research project that was initiated in the fall of 2007. Through the engagement of two local community research bodies, Manitoba is undertaking a strategic policy review on homelessness in the province, which will examine existing programs, services, policies, legislation and planning documents regarding homelessness issues. The findings from the report are intended to guide homeless prevention policy development.

## **Education, leisure and cultural activities (Articles 28, 29 and 31)**

516. Many schools recognize the importance of having students engaged in ensuring the school is a safe environment. As part of this process, schools have developed peer support models and trained students to be “peacemakers” or “school ground mediators”. Student council members are, when appropriate, included in the local policy development.

## **Education for Aboriginal children, rural children and children at risk**

517. The Rural and Northern Special Education Initiative, described earlier in the report, is infused with the Aboriginal perspective, including Aboriginal people in the development and consultation with the Aboriginal community.
518. Measures taken to address drop out rates include the Rural and Northern Development Initiative announced in 2008, the Resiliency Conference, Student Services Grant (providing increased funding to schools with the highest socio-economic indicators), the Middle Years Engagement Initiative, and various school division partnerships to pilot innovative programming.

## **Minority language education**

519. The Government of Manitoba recognizes that to achieve the goals set out in the *Belonging, Learning, and Growing: Kindergarten to Grade 12 Action Plan for Ethnocultural Equity* there is a need to more effectively address the needs of linguistically and culturally diverse students and communities.

## **Child rights education**

520. The Manitoba Human Rights Commission has worked with public schools to inject human rights issues into the curricula, including references to international human rights instruments. It holds annual Youth Conferences on human rights topics. On International Human Rights Day, December 10 of each year, together with the Canadian Human Rights Commission and the Manitoba Association for Rights and Liberties, it confers a number of human rights awards. One of these, the Sybil Shack Memorial Youth Award, goes to a school or youth(s) for promoting human rights.

## **Special protection measures (Articles 22, 30 and 32-40)**

521. *The Child and Family Services Act* (Child Protection Penalties) came into force in June 2005. It substantially increased penalties for various offences under the Act, including failing to report a child believed to be in need of protection.

522. Amendments to *The Domestic Violence and Stalking Act* that came into effect October 31, 2005, provide some enhanced protections and remedies for children who have been subjected to domestic violence or stalking, including the ability to seek an order of protection against an extended family member or a person the child has dated and the ability to seek compensation for monetary losses suffered by a child.

### **Protection of Aboriginal children**

523. In 2004-2005, the Roots of Empathy Program, a classroom-based parenting program that aims to increase pro-social behaviour and reduce physical aggression and bullying by fostering children's empathy and emotional literacy, has been expanded to Manitoba's remote northern communities, including on- and off-reserve sites.
524. The Families First Home Visiting Program, which provides intensive home visiting support to vulnerable families with children, offers services to on-reserve families. In 2006, the Government of Manitoba began training Home Visitor and Supervisor staff from the Maternal Child Health Program of the Government of Canada and the Assembly of Manitoba Chiefs.
525. The Government of Manitoba has entered into a number of agreements with Manitoba First Nations Education Resource Centre, which focus on sharing of training and resources for students with special needs, in particular those who are deaf, blind or have speech and language disabilities.

### **Protection of refugee children, separated children and unaccompanied children seeking asylum**

526. The Government of Manitoba Provincial Nominee Program (PNP) introduced measures that have successfully supported family reunification in the province, including the Family Support Stream, and the General Stream. The Manitoba PNP allows temporary foreign workers to include their families in their application for permanent residence after working in Manitoba for six months.

### **Protection of children from sexual exploitation and sexual abuse, and the sale, trafficking and abduction of children**

527. The Government of Manitoba has created and funded a new position focused upon child sexual exploitation victims and cases, whose role it is to improve cooperation and coordination with other agencies responding to child sexual abuse in families, in and across communities, on the street and on the Internet, particularly with regard to law enforcement and social services. The position involves a Prosecutor administrator who takes cases to trial but oversees the management of cases in the Crown office as well. This mentoring and monitoring role is designed to ensure a consistent quality of services provided to child victims and that offenders are appropriately dealt with. A key aspect of this role is to ensure that Crown practices are current to changing circumstances and legislation and responsive to newly identified needs, such as the growing awareness of



human trafficking. This involves gathering information and serving an educational role to prosecutors and police regarding the issue.

528. The Manitoba Strategy Responding to Children and Youth at Risk of, or Survivors of, Sexual Exploitation is described in Canada's response to the Committee's advance questions with regard to its Second Report on the *Convention on the Rights of the Child* and in Canada's First Report on the *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography*. Initiatives include: an outreach project; Safe Transition Home; Residential Child Care Facility; training for foster parents and other workers; continued support of the Transition and Education Resources for Females Program; specialized foster care resources; and Child Sexual Exploitation Awareness and School Learning Resources.
529. By developing and enhancing existing relationships with social services and various police agencies across Manitoba and North America, the Government of Manitoba is better able to respond to the mobility of offenders and victims by ensuring that a variety of tools and resources are applied to individual prosecution cases and information is shared with partners in this area.
530. In 2006, the Government of Manitoba ordered a research document by an expert to examine the sexual exploitation of boys titled "*Under the Radar*." The document speaks to the link of homelessness and the sexual exploitation of boys. The results will be used to help form actions under the *Manitoba Sexual Exploitation Strategy* to better support the needs of boys.

### **Protection from economic exploitation**

531. Changes to *The Employment Standards Code* came into effect on April 30, 2007, and included the following provisions regarding child employment:
- All employees under 16 years old must have a permit before they begin their jobs. They cannot work more than 20 hours during a week of school, and cannot work at all from 11:00 p.m. to 6:00 a.m. As established by regulation, they are not allowed to work at construction sites, on drilling or servicing rigs, on swing stages or scaffolds, in industrial or manufacturing processes or pruning, repairing, maintaining, or removal of trees. The Government of Manitoba can approve a permit for these employees to work outside those parameters under special circumstances and with the appropriate terms and conditions to protect the health, safety and social/educational development of children.
  - No employee under 18 years old can work alone from 11:00 p.m. to 6:00 a.m. in any industry. Regulations stipulate that they are not allowed to work in forestry, asbestos removal, saw or pulp mills, confined spaces, underground in a mine or on the face of an open pit quarry.

### **Children in conflict with the law**

532. In 2004, an *Information Sharing Protocol* was developed to facilitate the sharing of information between schools, the courts and police. The goal of this protocol is to ensure the best possible transition and sharing of information.

### **Optional Protocol on the Involvement of Children in Armed Conflict**

533. The Intensive Newcomer Support Grant (2006-2007) is intended to help school divisions develop specialized programming for newcomer youth from war-affected or refugee backgrounds with English as an additional language and literacy needs as a result of significantly disrupted schooling.

## Saskatchewan

### General measures of implementation (Articles 4, 42 and 44)

#### Coordination and monitoring of children's rights

534. The web site of the Saskatchewan Children's Advocate ([www.saskcao.ca](http://www.saskcao.ca)) indicates that the office, among other things, "[a]dvocate[s] for the rights of children to be respected and valued as identified in the United Nations *Convention on the Rights of the Child* (CRC)." The web site contains other references to the CRC, and includes a link to the UNICEF web site, for information on the CRC and its Optional Protocols. The Saskatchewan Government and the Children's Advocate continue to discuss further options to enhance recognition of the CRC.

#### Promoting awareness and understanding of the Convention

535. Within government, information related to the CRC and its Optional Protocols is disseminated, and awareness and understanding is promoted, primarily through two inter-ministerial committees: the Inter-ministerial Committee on Human Rights and the Inter-ministerial Steering Committee on Sexual Exploitation of Children and Youth.

536. Saskatchewan has a number of educational initiatives that illustrate the extent to which the CRC is considered when developing legislation or policy:

- *The Children's Services Policy Framework 2002*, a provincial policy on community and special education, was developed in the context of the CRC and significant legislation. The values of the CRC are embedded in it.
- *Caring and Respectful Schools: Towards Schools<sup>Plus</sup> (2004)* provides a framework for strengthening schools as caring, safe and respectful centres of learning, support and community for children, youth and their families.
- *The Early Learning Program Guide (2007)* for three- and four-year-olds refers to the CRC in its vision and principles. The guide draws on two particular articles of the CRC: the child's right to play, and the child's right to an education directed to holistic development.
- The KidsFirst Program uses the CRC as its "code of ethics" and the fundamental values base for the development and management of the program. The focus of the program is providing parenting and family support to vulnerable families with infants/young children, through trained lay home visitors and dedicated mental health and addictions services.
- The Community Schools Program and the Empowering High Schools policy framework reflect many of the rights articulated in the CRC.
- Within the Community Schools Program there is dedicated funding to support children's nutritional needs within the school setting.

## **General principles (Articles 2, 3, 6 and 12)**

### **Non-discrimination**

537. A *Bullying Prevention Model Policy* was developed in 2006, in accordance with rights and responsibilities relating to children and young persons articulated in the CRC, *The Education Act, 1995*, and other Saskatchewan legislation. It reflects the guiding principles of care, respect, and safety; collective responsibility and accountability; prevention and early intervention; and youth voice.

### **Best interests of the child**

538. In January 2006, Saskatchewan established an Access to Justice Committee involving members of the judiciary, the Children's Advocate, the Legal Aid Commission, the private bar, and government ministries, to review access to justice in family and youth matters. Included in the topics for consideration was representation for children in proceedings before the court.

539. Section 4 of *The Child and Family Services Act* sets out factors to be taken into account when a person or court is required by the Act to determine the best interests of a child. Through a Child and Family Services Training Module, individuals are instructed on the factors to be considered, and on how this affects their practice. Case workers are expected to have a working knowledge of the factors, as a framework for decision making, and to employ them when making a case plan, presenting a case in court or making an order.

## **Civil rights and freedoms (Articles 7, 8, 13-17 and 37)**

540. When children come into the care of the Ministry of Social Services, there is a policy to ensure the preservation of a child's identity. The Children's Services Manual requires that a Life Book be started for every child who remains in out-of-home care for more than six months, and that a Family History be completed for every family with a child in out-of-home care for more than six months.

541. Saskatchewan is participating in a national review of child status legislation with a view to ensuring that the parental status is clear for all children, whether born through "natural" means or through assisted human reproduction processes.

## **Family environment and alternative care (Articles 5, 9-11, 18-21, 25, 27 and 39)**

### **Adoption, search for birth parents and access to parental medical history**

542. Saskatchewan has legislation entitled *The Intercountry Adoption [Hague Convention] Implementation Act*, which came into effect on April 1, 1997. The Ministry of Social Services is the designated Central Authority responsible for ensuring that the rights and best interests of the child are protected and served. Federal and provincial/territorial designates continue to discuss issues as they impact the implementation of the Hague Convention. Saskatchewan has also had legislation in effect since November 1, 1986, named *The International Child Abduction Act, 1996*, which implements the *Convention on the Civil Aspects of International Child Abduction*.
543. *The Adoption Act, 1998* and Regulations allow for access to identifying information based on the mutual consent of the adult adoptee and birth parent. This approach has been in effect since 1995. The Ministry of Social Services announced a broad legislative review of both child welfare and adoption legislation, including consultations on the issue of open records in adoption. Since the commencement of adoptions in Saskatchewan in 1922, the original name of the adopted child has appeared on the Order of Adoption. This document is in the possession of the adoptive parent following finalization of the adoption, and is available to adult adoptees.

### **Use of minor corrective force and alternatives to physical discipline of children**

544. In 2005, section 152 of *The Education Act, 1995* was amended to prevent corporal punishment of all students. The section was amended in consultation with the Children's Advocate, to bring it in line with other jurisdictions and with the Supreme Court of Canada decision in *Canadian Foundation for Children, Youth, and the Law v. AG Canada* [2004]. There are also policies prohibiting the use of corporal punishment in mandated programs for children in the care of the Minister (foster homes, group homes and facilities) and in Young Offender custody settings.

## **Basic health and welfare (Articles 6, 18, 23, 24, 26 and 27)**

### **Pregnancy and early childhood development**

545. The Cognitive Disabilities Strategy (CDS) enhanced its services and supports for the Fetal Alcohol Spectrum Disorder population, beginning in April 2006. Multi-disciplinary assessment teams have been established to allow for increased ease of access to assessment services. Travelling clinics provide services to select rural and remote areas. Intervention and Prevention Training was provided, and prevention support to high-risk communities was enhanced. A total of 10 CDS consultant positions were created in communities throughout the province to provide assistance to families and individuals aged six to 24 years with cognitive disabilities.

546. A Process Evaluation of the CDS was completed. The evaluation framework addressed two main areas: are the processes working, and are there positive client outcomes? The overall results indicate that the intent of the CDS to fund unmet needs has been received positively. However, there are a few areas that have been identified for improvement, such as the need to explore workforce reconfiguration to address lack of local capacity to absorb CDS administration; the need to build competencies in integrated case management through training and staff development; and the need to research alternatives or modifications to the Daily Living Skills Assessment tool. The CDS Cross Ministry Working Group has initiated work to address many of the concerns raised.

### **Aboriginal youth suicide prevention**

547. Implementation of the Child and Youth Mental Health Services Plan in Saskatchewan began in the fall of 2006. It included the creation of several professional, consulting and outreach mental health positions; enhancement of outreach and respite services in most regions; and distribution of a booklet on depression and suicide in youth, and a pamphlet on the *Saskatchewan Plan for Child and Youth Mental Health Services*.
548. Following the tragic suicides of five youths and one adult between September 2006 and February 2007, in Sandy Bay, an inter-ministerial, inter-governmental and community initiative (involving eight Saskatchewan ministries, two Government of Canada departments, and a number of non-government organizations) was launched in 2007 to support community healing. The community of Sandy Bay is a northern community with a predominantly Aboriginal population that has struggled with high levels of interpersonal violence and abuse for several years. Among other things, this initiative involves community stabilization through suicide intervention training, support groups, healing circles, and other approaches, including a range of small economic and employment initiatives; opportunities for youth; and fostering leadership. A new victims services program was established in Sandy Bay in the fall of 2007, and several ministries financially support the community's healing initiatives.

### **Adequate housing**

549. The Government of Saskatchewan has a number of programs and services targeted to low-income families with children. These supports are available to low-income working parents and parents who receive social assistance. For example, the Saskatchewan Family Housing Supplement helps address the affordability of quality housing for low-income parents. Families living in rental accommodation may receive a subsidy based on their income, family size and location.

### **Homelessness**

550. The Government of Saskatchewan works with community partners and municipalities to assist the Government of Canada in making project funding decisions for the National Homelessness Initiative. The first step is the creation of a community plan, which is a local strategy to fight homelessness. The Government of Saskatchewan plays a key role

in the development of community plans by providing data, recommending best practices, and coordinating with provincial housing and social policy and programs. Provincial representatives also sit as part of each of the funding committees across the province.

551. An important part of Saskatchewan's commitment to reducing child poverty and homelessness is the design of programs and services to address the specific needs of parents. For all housing programs, new and existing, families with children are a priority group. Saskatchewan Housing Corporation also recognizes the needs of youth who do not reside with their families, and provides capital funding for projects that house youth living independently.

## **Special protection measures (Articles 22, 30 and 32-40)**

### **Protection of children from sexual exploitation and sexual abuse, and the sale, trafficking and abduction of children**

552. The Inter-ministerial Steering Committee on Sexual Exploitation of Children and Youth oversees provincial policies, programs and services related to sexually-exploited children and youth. It liaises with Regional Intervention Committees in the three largest urban centres. These Committees, in turn, provide local leadership in implementing the provincial strategy, including the provision of coordinated support services to sexually-exploited children and youth. The province provides funding to community-based organizations to enhance outreach and prevention programs in those centres.
553. Under the Vehicle Impoundment Against Sexual Exploitation program, police have the authority to seize and impound vehicles that they have reasonable grounds to believe have been used in committing certain offences related to procuring sexual services and prostitution. If any person in the vehicle at the time of seizure is convicted of one of these offences, a vehicle remaining on impound at the time of trial will automatically be forfeited to the Crown.
554. Saskatchewan has co-funded with other jurisdictions and partners research on sexual exploitation of young men.
555. The Saskatchewan Government provided additional funding for five municipal police positions to deal with street-level sexual exploitation of children and youth, and a team of two prosecutors and one assistant coordinator to strengthen the Province's use of the National Flagging System to identify long-term or dangerous offender cases. In the fall of 2007, additional provincial funds were provided for an Integrated Child Exploitation Unit. It consists of 11 dedicated police positions, and provides a focus for investigation skills, technical resources and criminal intelligence to investigate persons suspected of preying on young victims through the Internet.
556. In 2006, a Provincial Task Force on Missing Persons was established. It involved enhanced police positions to investigate missing person cases; research and support for

police policy development; and establishment of a Provincial Partnership Committee on Missing Persons. The Committee, involving representatives from government, police, community, child advocacy and Aboriginal organizations, looked at how to prevent people from going missing, how to better respond when they do, and how to enhance collaboration among agencies. The Provincial Partnership Committee relied on research on police data to determine that the majority of reported missing person cases involved children and youth under age 18. These children and youth are at risk of being victimized sexually and physically while on the run from home or foster care, and at risk of becoming involved in criminal activity. The Partnership Committee, in its final report issued in October 2007, made a number of recommendations on prevention and intervention to improve the response to runaway or abducted children. The Committee is overseeing the implementation of its recommendations.

557. While police-based victim services programs are available to all victims of crime, some of the clients supported by these programs may have been victims of sexual abuse, sexual violence or sexual exploitation. The Government of Saskatchewan established several new victims services programs between 2003 and 2007. For example, two new police-based victims services programs were implemented in 2007 to serve three northern communities, and a new Victim/Witness Program opened in another northern community in 2005 to serve northern Saskatchewan. One program in the southeast part of the province expanded to include additional communities and rural areas. The Victim/Witness Services Programs provide court orientation and support for child victims and other vulnerable victims and witnesses. The majority of the victims served by the northern programs are Aboriginal.

### **Children in conflict with the law**

558. With regard to the implementation of the *Youth Criminal Justice Act*, provincial guidelines have been established to ensure appropriate procedures, and an inter-ministerial committee oversees the policy and guidelines. To protect the privacy of personal information of young offenders, staff receive appropriate training, undergo criminal record checks and take an Oath of Confidentiality upon hiring. As well, access to data bases is controlled and limited.
559. Young Offender Programs provide a targeted response to youth involved in the justice system. The young offender continuum of service includes an alternative measures program, targeted initiatives focusing on repeat offenders, reintegration programming for high risk youth exiting custody, and a judicial interim release program for youth who require supervision in the community while awaiting their court hearings.
560. Under alternative measures, lower-risk youth who have committed less serious offences are diverted from the formal court system. Extrajudicial measures include police warnings and referrals, and police and Crown cautions. Extra-judicial sanctions (typically referred to as “alternative measures”), the most formal type of extra-judicial measures, are to be used only if a young person cannot adequately be dealt with by a warning,



caution or referral. Saskatchewan is a high user of alternative measures, and front-end warnings by law enforcement officials have increased.

561. Custody facilities provide an array of programs including those that teach and reinforce pro-social skills, cultural services, education, recreation, sex offender treatment, substance abuse programs, values and moral development, anger management and work training. Programs designed to provide young offenders with the necessary supports needed for a successful reintegration into the community include: community service and restitution programs; day programs (including life skills training, community service, work exposure, addictions awareness and remedial academic support); school re-entry programs; reintegration programs (including cultural, school, recreation, treatment); and a number of transition to employment programs.

## Alberta

### General measures of implementation (Articles 4, 42 and 44)

#### Child expenditures

562. For information on children's services and early childhood development in Alberta please refer to the following report: *Alberta Children's Services Annual Report, 2006/2007* by the Ministry of Children and Youth Services ([www.child.alberta.ca/home/documents/rpt\\_06-07\\_annual.pdf](http://www.child.alberta.ca/home/documents/rpt_06-07_annual.pdf)).

#### Data collection and dissemination

563. Police agencies collect and analyze data through specialized investigative units and share it with other specialists. For example, the Zebra Child Protection Center in Edmonton operates a hub for police, medical and mental health specialists.
564. Units such as the Alberta Relationship Threat Assessment Management Initiative were established in 2006 to share information among police, Crown, and other professionals with regard to spousal and family violence.

#### Coordination and monitoring of children's rights

565. The Child and Youth Advocate is appointed for a term of up to five years. The Office of the Child and Youth Advocate (OCYA) is mandated to advise the Minister regarding the welfare and interests of children and youth receiving services under the *Child, Youth and Family Enhancement Act* (CYFE Act) and the *Protection of Sexually Exploited Children Act*. The OCYA provides advocacy services, assists in training natural advocates for children and youth, and has the lead responsibility for the Legal Representation for Children and Youth program. The OCYA must deliver quarterly and annual reports to be tabled in the legislature.

#### Definition of the child (Article 1)

566. In 2004, the *Child Welfare Act* was repealed and replaced by the CYFE Act. Under the former Act, services could be provided to youth between the ages of 18 and 20 years; under the latter Act, services can be provided to youth between the ages of 18 and 22 years.

## **General principles (Articles 2, 3, 6 and 12)**

### **Non-discrimination**

567. Alberta's *Bullying Prevention Strategy* included three public education and awareness campaigns targeting children, youth, and adults between 2005 and 2008. It promotes acceptance of diversity by raising awareness of what bullying is, identifying what people can do to stop it, and encouraging a change in societal attitudes and behaviour towards bullying. The web sites have included information on Lesbian, Gay, Bisexual, Transgender, and Queer youth and homophobic bullying as these youth are vulnerable to discrimination from their peers and others. The strategy also promotes mental health by addressing social inclusion and exclusion among children and adolescents through its youth campaign, including anti-bullying web sites ([www.teamheroes.ca](http://www.teamheroes.ca) and [www.b-free.ca](http://www.b-free.ca)) and information on cyberbullying and homophobic bullying.
568. Funding is made available through the Government of Alberta Restorative Justice grant programs. Applicants for Restorative Justice grants, in particular, are encouraged to submit proposals for funding in the areas of conflict resolution between and within cultures.

### **Best interests of the child**

569. First developed in 1989 to outline information sharing provisions of the federal *Young Offender's Act* and the *Provincial Child Welfare Act*, the Youth Justice Protocol was revised to reflect the federal *Youth Criminal Justice Act* (2003) and the provincial CYFE Act (2004).
570. Section 2 of the CYFE Act states that "all persons who exercise any authority or make any decision under this Act relating to the child must do so in the best interest of the child" and lists 16 matters that are to be considered when making a decision about a child. The Act is located at [www.child.alberta.ca/home/525.cfm](http://www.child.alberta.ca/home/525.cfm)
571. The CYFE Act and *Family Support for Children with Disabilities* (FSCD Act) entrench the right to appeal key decisions. The CYFE Act specifically directs the panel to focus on "the best interests of the child". The CYFE Regulation is available at [www.qp.alberta.ca/574.cfm?page=2004\\_160.cfm&leg\\_type=Regs&isbncln=9780779736072](http://www.qp.alberta.ca/574.cfm?page=2004_160.cfm&leg_type=Regs&isbncln=9780779736072). The FSCD Act is available at [www.qp.alberta.ca/574.cfm?page=F05P3.cfm&leg\\_type=Acts&isbncln=9780779727988](http://www.qp.alberta.ca/574.cfm?page=F05P3.cfm&leg_type=Acts&isbncln=9780779727988)

### **Training of professionals**

572. The Government of Alberta provides province-wide training to professionals who work with children. This training has "best interests of the child" as the end result, even with respect to behavioural intervention, interviewing, or family intervention. For example, training was completed in March 2008 for probation officers and youth workers in

- Motivational Interviewing. The purpose of the training was to enhance interviewing skills that enable youth to make positive changes. Training was also completed with this group in April 2008, on dealing specifically with adolescent sex offenders, victims' families and the community.
573. Prior to the CYFE Act coming into force, staff were provided with training on the new terminology of the Act and its intent. Staff were educated on best practices with children, youth and their families under the new Act, differential response as well as the increased emphasis on the best interests of the child and the integrity of the family unit.
574. All new front-line workers are required to take Delegation Training, which provides staff with information on their roles and responsibilities in administering the CYFE Act. All foster parents and kinship care providers receive in-depth training on the legislation, policies and procedures and issues pertaining to the provision of a nurturing environment and appropriate care of children in the care and custody of the Director. Foster parents also receive a handbook that focuses on the best interest of the child.
575. The Structured Analysis Family Evaluation (SAFE) model provides standardized, consistent and comprehensive home study tools and practices for the description and evaluation of adoption, foster care, kinship care and private guardianship home assessment reports in Alberta. The SAFE model helps to ensure that the best interests of the child are met in their caregiver's care by analyzing the information obtained during the assessment process; identifying family strengths and areas of concern; and measuring family functioning according to the SAFE rating scale. Training began in March 2008.
576. Province-wide training is being provided to victim service unit coordinators, advocates, Crown and police on the provisions established in the amendment to the *Criminal Code* Bill C-2 (Amendments to Protect Children & other Vulnerable Persons). The purpose of the amendment is to protect children and other vulnerable persons from sexual exploitation, violence, abuse and neglect.
577. CYFE and FSCD Appeal Panel members receive training on interpreting legislation ([www.child.alberta.ca/home/529.cfm](http://www.child.alberta.ca/home/529.cfm)).
578. The *Child Abuse Handbook* was developed and regional training provided to address how to recognize abuse and neglect; how to respond to a disclosure of abuse and neglect from a child; how to report and intervene, as well as the role of service providers and rules governing sharing of information among service providers.

## **Civil rights and freedoms (Articles 7, 8, 13-17 and 37)**

579. Section 2 of the *Child, Youth and Family Enhancement Act* (CYFE Act) speaks to preserving the integrity of the child's family, continued connectedness to the extended family and home community, and respect for a child's familial, cultural, social and

religious heritage. There should be no unreasonable delay in making or implementing a decision affecting a child.

580. For children in the Director's care, the Government of Alberta utilizes the services of International Social Service Canada to gather the information required to secure birth registration documents.

## **Family environment and alternative care (Articles 5, 9-11, 18-21, 25, 27 and 39)**

### **Adoption, search for birth parents and access to parental medical history**

581. Alberta passed and implemented legislation, regulations and policy required under the *Hague Convention on Intercountry Adoption*. The legislation was passed in 1997 and additional regulations were implemented in November 2004. The legislation appears in the CYFE Act – Division 6 – Intercountry Adoption with Respect to Designated States – Sec. 92(1) to 105. Regulations appear in the Child, Youth and Family Enhancement Regulations – Part 2 – International Adoption Sec. 26 to 32. Alberta is fully compliant with the requirements of the Convention.
582. The above-mentioned amendments to the CYFE Act also changed adoption legislation with regards to an adoptee accessing identifying information about their biological parents. Section 74.2(2) allows the Minister to release identifying information regarding the biological parent to an adoptee, as long as neither of those parents filed a veto prohibiting the release of their information. Section 74.2(2) applies to adoptions completed prior to January 1, 2005. Any adoptions completed after this date would allow for release of all information in the file to an adoptee who has reached the age of 18 years (Sec. 74.3(2)).
583. Alberta negotiated a new bilateral adoption agreement with Vietnam that provides a process for Vietnamese children to be adopted by Alberta families. The agreement took effect in July 2008.

### **Child care and support services**

584. In October 2005, the Government of Alberta Five-Point Child Care Investment Plan was launched. The five points include: affordable child care, support for parents who stay home with their children, improved child care services for children with disabilities, improved quality of child care, and enhanced access to early intervention programs.
585. The *What We Heard: Consultation on the Proposed Child Care Licensing Regulation Report*, published in October 2007, summarized the results of the government's first phase of public consultation on a new Act and Regulation ([www.gov.ab.ca/home/NewsFrame.cfm?ReleaseID=/acn/200710/22417F1DC9451-C25A-BD0B-FA799852C038F842.html](http://www.gov.ab.ca/home/NewsFrame.cfm?ReleaseID=/acn/200710/22417F1DC9451-C25A-BD0B-FA799852C038F842.html)).

586. In June 2007, the Government of Alberta revised its Child Care Accreditation Funding Program.
587. A range of investments have been put in place to improve access to quality child care, including increased wage top-ups, child care bursaries, increased subsidy rates, space creation incentives, staff attraction, and subsidies for stay-at-home parents.

### **Child and family benefits and other initiatives addressing child poverty**

588. The Advancing Futures Bursary program provides recipients with the opportunity to obtain a skill or trade in hopes of removing them from a life of poverty. Awards are granted to cover full tuition, books, basic supplies and a monthly living allowance. Single parent families also receive a higher monthly living allowance and are provided child care funding. Since its inception in 2004, 756 students have received bursaries and 117 students have graduated from a degree, diploma or certificate program.
589. Information on new measures in place to address factors leading to child poverty, with particular attention to single parent families and other vulnerable groups can be found at [http://www.child.alberta.ca/home/programs\\_services.cfm](http://www.child.alberta.ca/home/programs_services.cfm).

### **Basic health and welfare (Articles 6, 18, 23, 24, 26 and 27)**

590. Alberta provides education and training events to parents, staff, community agencies and health care professionals through videoconferencing technology. This initiative has attracted many rural and remote families who, in the past, would not have had the opportunity to receive this support.

### **Pregnancy and early childhood development**

591. Alberta has seven Fetal Alcohol Spectrum Disorder (FASD) Service Networks to support individuals impacted with FASD across their lifespan and their caregivers. The FASD Service Networks also deal with the strategies related to targeted and indicated prevention, assessment and diagnosis ([www.child.alberta.ca/home/872.cfm](http://www.child.alberta.ca/home/872.cfm)).

### **Aboriginal youth suicide prevention**

592. In April 2007, seven Alberta Métis communities gathered to review evidence from community-led research on youth resilience and concluded their meetings with action plans to prevent suicide in their communities. This was the first cycle of research and planning within the Alberta chapter of the Aboriginal Community Youth Resilience Network ([www.ciet.org/en/documents/projects\\_sub\\_cycles/2007428124023.asp](http://www.ciet.org/en/documents/projects_sub_cycles/2007428124023.asp)).
593. The Aboriginal Youth Suicide Prevention Strategy (AYSPS) is a Government of Alberta cross-ministry initiative. The vision of the Strategy is that Aboriginal youth feel hopeful, empowered and optimistic about their futures. The objectives of the AYSPS are to work

with communities, provide education and training to support community mobilization, broaden awareness and provide education, and build knowledge through research and evaluation. Five Aboriginal community pilot sites from various parts of the province have been engaged in the AYSPS and have been delivering intensive community-driven prevention programs that focus on promoting the protective factors of preventing suicide.

594. As part of an overall goal to contribute to an awareness and education campaign for the province, a social marketing research company report (Provoke) helped to identify promising practices and potential next steps for delivering suicide awareness and prevention messages to Aboriginal youth and their communities. The research project involved 115 interviews with Aboriginal youth and their chaperons from across the province. The key finding was that each community needs to be supported to develop methods and messages specific to that community. As a result of the report, a grants program was established by the AYSPS, which provided 35 grants to Aboriginal communities across the province to support relevant activities.
595. Applied Suicide Intervention Skills Training is mandatory for all provincial caseworkers and supervisors who work with children.

### **Minimizing risks to adolescent health**

596. *The Protection of Children Abusing Drugs Act* was introduced as a private member's bill and came into force on July 1, 2006. Under this legislation, a parent or a guardian of a child who is using alcohol and/or other drugs in a way that severely endangers themselves or others can apply to the Provincial Courts to have the child placed in a protective safe house for up to five days. During this court-ordered confinement, detoxification services are provided, assessments for the abuse of drugs and alcohol are made, and work is done with the child and parent/guardian to develop a voluntary treatment plan after the child leaves the protective safe house.

### **Homelessness**

597. The Youth Emergency Shelter Review was initiated in 2005 and its report was released in February 2007. Eight facilities fitting a very specific definition responded to a detailed questionnaire regarding shelter funding, usage, a profile of the youth accessing services, and programs and services. The findings indicate that funding is regionally specific and shelter usage is often near or at capacity, particularly in the larger urban centres. Additional findings include:
- The profile of youth who access services range in age from 12-21 years, with the average range being 15-17 years.
  - The provincial ratio of males to females is 3:2, with males being slightly older than females when accessing services.
  - The three most frequently occurring family environments identified by youth when entering the shelter are: wards of the province; single mother as caregiver, or nuclear

- family. Most youth leave home as a result of conflict over rules, and will be in some sort of transition prior to entering the shelter.
- Most youth will experience some form of exploitation (e.g. panhandling, providing sex in exchange for goods) and will likely have engaged in some form of criminal activity.
  - The largest single percentage of youth accessing shelter services comes from foster care or group care; regional authorities contract with shelters to support these youth who often struggle with complex issues.
598. The report makes recommendations about improving programming and services to youth, supports to shelters, contracting, and collaboration with regional child intervention authorities.
599. *Under the Radar: The Sexual Exploitation of Young Men* (McIntyre, Dr. Susan, June 2005) specifically focused on the experience of sexually-exploited young males. This research has influenced caseload practice with this population of youth. Additional information can be found at [www.child.alberta.ca/home/documents/childintervention/undertheradar.pdf](http://www.child.alberta.ca/home/documents/childintervention/undertheradar.pdf).

## **Education, leisure and cultural activities (Articles 28, 29 and 31)**

### **Education for Aboriginal children, rural children and children at risk**

600. In October 2007, a Memorandum of Understanding was signed between Alberta Education and Alberta Children and Youth Services to allow for information sharing for the purpose of matching and analyzing data regarding success in school, including high school completion rates, for children in care.
601. A committee comprising the Aboriginal Co-Chairs of the Child and Family Service Authorities meets four times per year, in advance of the General Assembly of Co-Chairs. The Aboriginal Co-Chairs have a library of resources to increase cultural education and a component of each Assembly of Co-Chairs and annual board leadership conference is dedicated for this purpose.

## **Special protection measures (Articles 22, 30 and 32-40)**

602. Section 21.1(6) of the *Child, Youth and Family Enhancement Act* (CYFE Act) states that within 42 days of applying for a Temporary Guardianship Order or a Permanent Guardianship Order, consultation with the guardian and other family members must occur to develop a plan describing the services to be provided to facilitate the return of the child to the guardian's care and an alternative permanent placement for the child should reunification not be possible.



603. The CYFE Act includes service provision to a family where a child has been exposed to domestic violence occurring within the child's family, providing services to the family in a manner that supports the abused family members and prevents the need to remove the child from the custody of an abused family member.
604. Cross-ministry coordination led to amendments in the *Protection Against Family Violence Act* (PAFV Act) (2006) ([www.child.alberta.ca/home/528.cfm](http://www.child.alberta.ca/home/528.cfm)), and training was provided to frontline workers across sectors.
605. The PAFV Act recognises that children may also be at risk in a family violence situation and that a protection order may be required to ensure their safety as well as the safety of the direct victim of violence. As well, amendments allow children to access counselling when needed with the consent of only one parent, preventing the offending parent from hindering access to such services.
606. Section 2 of the PAFV Act was amended in subsection (1) by repealing clause (b) and substituting the following:
- (b) that by reason of seriousness or urgency, the order should be granted to provide for the immediate protection of the claimant and other family members who reside with the claimant.
607. Section 4(2) of the PAFV Act was amended by adding the following after clause (k):
- (k.1) a provision authorizing counselling for a child referred to in section 1(1)(d)(iv) without the consent of the respondent;
608. On November 1, 2006, the *Drug-endangered Children Act* came into force. It identifies who is a drug-endangered child and makes it clear that children exposed to serious drug activity are victims of abuse and require protection. The Act is located at [www.child.gov.ab.ca/home/526.cfm](http://www.child.gov.ab.ca/home/526.cfm).
609. In 2007, five safe visitation pilot sites were established across Alberta. Safe visitation provides children in families experiencing family violence between adult partners with a structured place and the necessary supports to have supervised visits with a parent. Safe visitation programs provide a high level of security, structure, and supervision to enable children to maintain a relationship and have a positive interaction with their non-custodial parent in an environment where they are protected from exposure to further violence and abuse.

### **Protection of Aboriginal children**

610. The Government of Alberta supports a service delivery governance structure with Aboriginal and non-Aboriginal Co-Chairs of the Child and Family Service Authorities, with up to 40 percent of board members being Aboriginal.

611. The *Child, Youth and Family Enhancement Act* (CYFE Act) applies equally to Aboriginal children living on- and off-reserve. Section 2 of the Act stipulates that whenever a child is placed outside of the family, the placement selection should take into consideration the child's familial, cultural, social and religious heritage, and obliges the person caring for the child to ensure that the child is aware of this heritage. Section 107 requires consultation with a band designate in planning for the services to be provided to a child.
612. A new funding model between the federal and provincial governments was approved in 2007, which allows for better delivery and use of the least intrusive methods of child intervention services on-reserve. The majority of on-reserve services are delivered by Delegated First Nation Agencies (DFNAs); Child and Family Services Authorities (CFSAs) may deliver services on-reserve where no DFNA exists. CFSAs generally deliver services to Aboriginal families off-reserve under guidelines on cultural sensitivity. Alberta currently has agreements with 18 DFNAs which service 40 of 47 First Nations in the province on 110 of 126 reserves. Aboriginal children and communities (both rural and urban) are identified as key areas of focus, and applicants are encouraged to submit proposals for funding in either/both of these areas.
613. Additional actions taken by the Government of Alberta to enhance services for Aboriginal children include:
- The Permanency Planning for Aboriginal Children report was completed in 2006; the recommendations of the report have been fully implemented.
  - A Métis Steering Committee was established in the fall of 2007 as a follow-up to a provincial action plan to increase Métis people's participation and involvement in programs, policies, and standards that impact Métis children.
  - The First Nations Practice Standards have been implemented, which are audited on a quarterly basis by the Government of Alberta.
  - A Memorandum of Understanding was signed in October 2007 between Alberta Education and Alberta Children and Youth Services to allow for information sharing for the purpose of matching and analyzing data regarding educational outcomes, including high school completion rates, for children in care.
  - The Aboriginal Funders Network was established to share information on funding available to Aboriginal groups and communities. The Network includes representation from municipal, provincial and federal levels of government as well as related services.

### **Protection of children from sexual exploitation and sexual abuse, and the sale, trafficking and abduction of children**

614. Public education measures to prevent the exploitation of children online are outlined in Canada's First Report on the *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography*.

615. The *Protection of Sexually Exploited Children & Youth Awareness Manual* was produced in 2004 and updated in 2007. As well, three information pamphlets related to sexual exploitation were redesigned and updated in 2007.
616. On October 1, 2007, amendments to the *Protection of Children Involved in Prostitution Act* were proclaimed. As a result the name of the legislation was changed to the *Protection of Sexually Exploited Children Act* to: decrease the stigma attached to the word "prostitution"; remove perceived barriers to service; reinforce the fact that children being sexually exploited through prostitution are victims of sexual abuse; and strengthen protection of the child's privacy. Additional information is available at [www.child.alberta.ca/home/533.cfm](http://www.child.alberta.ca/home/533.cfm).
617. Updates of educational materials to reflect the changes in legislation, as well as online outreach, are available 24 hours a day.
618. The Prevention of Sexual Exploitation of Children and Youth Working Group meets quarterly to discuss common issues related to sexually exploited children and youth. This Working Group includes representatives from the departments of Children and Youth Services, Solicitor General and Public Security, Justice, Education and Health and Wellness.

### **Children in conflict with the law**

619. Emphasis is placed on work with youth in the community through Youth Attendance Centres in Edmonton and Calgary. The youth attendance centre program commenced in February 2000, in response to the requirements of the *Youth Criminal Justice Act* (YCJA) and the recommendations of the Justice Summit. The program enhances supervision and support of young offenders serving community sentences and those making the transition from custody to the community.
620. The Youth Attendance Centres provide a variety of program functions that include administration of community service work, fine option programs, surveillance supervision and educational and rehabilitative programs. Non-residential Orders are forwarded directly to the Youth Attendance Centres from court.
621. Youth Justice Committees are sanctioned under section 18 of the YCJA that authorizes community members to be actively involved in the administration of justice to first and second time offenders, between the ages of 12-18, who commit less serious offences. In Alberta, Youth Justice Committees are authorized to perform the following roles:
- assist in the administration of the Extrajudicial Sanctions Program;
  - play a role in sentencing advisory; and
  - conduct public education about youth crime and issues relating to youth crime.
622. The Youth Restorative Action Project (YRAP) is a unique youth justice committee model. Developed in 2003, YRAP is involved in cases where young persons have

committed offences involving social issues such as racism, homelessness, poverty or drug and alcohol abuse. Unlike other Youth Justice Committees, YRAP is made up of young people supported by adult advisors. YRAP receives referrals from judges and other youth justice professionals.

623. The Young Offender Project (2007), a collaborative undertaking by the Government of Alberta, focuses on the mental health of youth, with the purpose of developing assessment and treatment services, enhancing program planning, implementation and evaluation across the partners. Principles guiding the project included:
- effective use of resources by working together, sharing of information and common frameworks;
  - youth are valued, respected, listened to and given support to make decisions impacting their lives, including fostering active participation by youth;
  - close ties maintained between residential and community based programs; and
  - services offered in an environment where values, traditions, languages and cultures of all people are acknowledged, recognized and respected.
624. Utilizing a semi-structured interview of professionals in Alberta working within young offender correctional and mental health services, the partners obtained information for a report with the following recommendations:
- comprehensive mental health screening, using common format, for youth entering custody;
  - program evaluation and outcome tracking of emerging issues and needs;
  - targeted training to keep pace with trends;
  - survey of professionals working in rural areas to determine needs and gaps;
  - addressing transition issue by planning at each interface of custody and community; and
  - looking at specialized needs service delivery.
625. The Fetal Alcohol Spectrum Disorder (FASD) Justice Support Project is a committee co-chaired by Solicitor General and Public Security and consists of a partnership of community agencies and representatives. The purpose of the committee is to provide case planning conferences to address the issues surrounding young persons affected by FASD who come into conflict with the criminal justice system and to identify community resources and to link the young persons to appropriate supports.

## British Columbia

### General measures of implementation (Articles 4, 42 and 44)

#### Child expenditures

626. The Government of British Columbia web site has links to ministries that have resource allocations set aside for children, including those with responsibility for children and families, education, health, public safety, and housing ([www.earlylearning.ubc.ca/](http://www.earlylearning.ubc.ca/)).
627. Information on the Government of British Columbia *Three-Year Service Plan for children and families* is available at [www.bcbudget.gov.bc.ca/2007/sp/cfd/](http://www.bcbudget.gov.bc.ca/2007/sp/cfd/) and the *Annual Service Plan Report for children and families for 2007-2008* is available at [www.bcbudget.gov.bc.ca/Annual\\_Reports/2007\\_2008/cfd/cfd.pdf](http://www.bcbudget.gov.bc.ca/Annual_Reports/2007_2008/cfd/cfd.pdf).
628. The Government of British Columbia *Early Years Annual Report 2006-2007* can be accessed at [www.mcf.gov.bc.ca/early\\_childhood/pdf/eec\\_annual\\_06\\_07.pdf](http://www.mcf.gov.bc.ca/early_childhood/pdf/eec_annual_06_07.pdf). The report outlining the *Strong, Safe and Supported: A Commitment to British Columbia's Children and Youth - Action Plan and Operational Plan* is available at [www.mcf.gov.bc.ca/about\\_us/commitment.htm](http://www.mcf.gov.bc.ca/about_us/commitment.htm).

#### Data collection and dissemination

629. The Government of British Columbia collects and analyzes data on programs to support evaluations and planning. The government also collaborates on specific research with other governments and agencies, including by providing funding for significant external research such as the Human Early Learning Partnership, an interdisciplinary university-based research network working to advance early years knowledge ([www.earlylearning.ubc.ca/](http://www.earlylearning.ubc.ca/)). Funding has also been provided for the inclusion of 100 British Columbia children in a five-year (2005-2009) national research project on autism spectrum disorder.
630. The Online Program Records Administration system allows for the collection of statistical information from government-funded victim services programs in British Columbia, specific to sexual offences against children and youth.<sup>31</sup>
631. WorkSafeBC, an independent, statutory agency funded through insurance premiums paid by registered employers and through investment returns, keeps data for injured workers, including the ages of claimants. In administering the *Workers Compensation Act*, the

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<sup>31</sup> Sexual offences involving children up to 13 years of age at the time of the assault are categorized as 'sexual abuse'; the youth 13 to 18 category counts recent youth victims of sexual exploitation and other sexual offences. Police data mechanisms at this time do not record sexual offences including sexual exploitation against children separate from those against adult victims of sexual offences.

organisation remains separate and distinct from government; however, it is accountable to the public through the government, which is responsible for protecting and maintaining the overall well-being of the system.

632. British Columbia has developed and adopted a provincial government Aboriginal data standard for the collection of information concerning Aboriginal people that will assist in monitoring and tracking progress on closing social and economic gaps. Measures and data tracking to monitor the implementation of the *Transformative Change Accord* and *Métis Nation Relationship Accord* have also been developed.
633. Data are collected and analyzed for Aboriginal child and family services. Also, staff of Aboriginal delegated agencies participate in training in data information systems related to their service delivery systems for recipients.
634. In 2007, British Columbia finalized plans to establish a new Integrated Quality Assurance program to further support continuous organizational learning and a culture of improvement, including leading diverse input for initiatives to further implement the *Convention on the Rights of the Child*.

### **Coordination and monitoring of children's rights**

635. In direct response to the 2006 Hughes Review of British Columbia's child welfare system, in 2007, the Government of British Columbia created the independent office of the Representative for Children and Youth ([www.rcybc.ca](http://www.rcybc.ca)). The Representative is an officer of the legislature and reports through an all party Select Standing Committee on Children and Youth. The mandate of the Representative is to improve services and outcomes for children in the province through advocacy, accountability and review. The Representative's office promotes the rights of children and youth, using the *Convention on the Rights of Child* as a foundation for its work.
636. Also in 2007, British Columbia established the Office to Combat Trafficking in Persons ([www.pssg.gov.bc.ca/octip/about.htm](http://www.pssg.gov.bc.ca/octip/about.htm)). Please refer to Canada's First Report on the *Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography* for additional information.
637. Related action and operational plans regarding child and family services, called Strong, Safe and Supported, can be found at [www.mcf.gov.bc.ca/about\\_us/pdf/Strong\\_Safe\\_Supported.pdf](http://www.mcf.gov.bc.ca/about_us/pdf/Strong_Safe_Supported.pdf). An associated publication, *Strong, Safe and Supported: What's Working for Children, Youth and Families in B.C.*, was developed through collaboration with First Nations Elders, the Youth Advisory Council, the Federation of BC Youth in Care Network, Aboriginal community representatives, staff, service partners and others ([www.mcf.gov.bc.ca/about\\_us/pdf/WW\\_Final%20proof%20June2.pdf](http://www.mcf.gov.bc.ca/about_us/pdf/WW_Final%20proof%20June2.pdf)).

## Complaint mechanisms

638. Information on British Columbia's regional complaints resolution process relating to children, youth and families can be found at [www.mcf.gov.bc.ca/complaints/index.htm](http://www.mcf.gov.bc.ca/complaints/index.htm).
639. British Columbia has expanded options to increase the use of less adversarial, court-based alternatives to resolve disputes in child welfare matters, such as the Collaborative Planning and Decision Making model, when appropriate. Participation by a family is voluntary, and can enable a family to build on strengths and capacity to help them safely stay together. For more information see:
- Options for Parents and Families: Collaborative Planning and Decision-Making in Child Welfare ([www.mcf.gov.bc.ca/child\\_protection/pdf/OptionsForParentsAndFamilies\\_factsheet.pdf](http://www.mcf.gov.bc.ca/child_protection/pdf/OptionsForParentsAndFamilies_factsheet.pdf));
  - Collaborative Planning and Decision-Making in Child Welfare ([www.mcf.gov.bc.ca/child\\_protection/mediation.htm](http://www.mcf.gov.bc.ca/child_protection/mediation.htm)); and
  - What is Child Protection Mediation? ([www.mcf.gov.bc.ca/child\\_protection/pdf/WhatIsChildProtectionMediation\\_WebFacsheet.pdf](http://www.mcf.gov.bc.ca/child_protection/pdf/WhatIsChildProtectionMediation_WebFacsheet.pdf)).
640. The use of Child Protection Mediation more than doubled in 2006 and 2007 and a research project was initiated in 2007 to further the mediator practice standard regarding meaningful participation of children in child protection mediation.

## Promoting awareness and understanding of the Convention

641. The Government of British Columbia provides ongoing funding for the BC Federation of Youth in Care Networks ([www.fbcyicn.ca/](http://www.fbcyicn.ca/)) who was a partner in a rights-based project that included consultation with youth and others towards a workshop for children and youth at-risk, to help inform about rights, responsibilities and self-advocacy skills. In 2007, the Network also started a new youth publication, *Your Life Your Rights* ([www.fbcyicn.ca/files/rights-book/know-rights-online.pdf](http://www.fbcyicn.ca/files/rights-book/know-rights-online.pdf)).
642. British Columbia hosted the International Forum on Child Welfare, WorldForum 2006, with over 1,000 delegates from 40 countries attending to share knowledge and perspectives on innovative practices. WorldForum 2006 included an opportunity for 100 youth to participate as planners, presenters, delegates and volunteers.
643. A representative from each child and youth service region attended intensive training called Child Rights in Practice: Tools for Social Change in 2007, hosted by the International Institute for Child Rights and Development. It discussed child participation, building children's natural resiliency, Indigenous child rights, and implementing children's rights in daily practice.

## **Definition of the child (Article 1)**

644. In 2007, a definition of a “young worker” was added to British Columbia’s *Occupational Health and Safety Regulations* as any worker who is under 25 years of age.

## **General principles (Articles 2, 3, 6 and 12)**

### **Non-discrimination**

645. Information on the British Columbia Anti-Racism and Multiculturalism Program is included in Canada’s Seventeenth and Eighteenth Reports on the *International Convention on the Elimination of all Forms of Racial Discrimination*. More recent initiatives under this program are described on the following web site:  
[www.welcomebc.ca/en/service\\_providers/index.html#](http://www.welcomebc.ca/en/service_providers/index.html#).

646. The North Region’s Aboriginal Recruitment Project was developed to target recruitment and retain qualified Aboriginal social workers to work with children and youth.

647. British Columbia has implemented several measures aimed at promoting non-discrimination in the school system which include:

- a new Social Justice 12 course ([www.bced.gov.bc.ca/irp/irp\\_ss.htm](http://www.bced.gov.bc.ca/irp/irp_ss.htm));
- a total of 42 Enhancement Agreements between Aboriginal communities, boards of education, and the Province; and
- the Roots of Empathy Program, which promotes diversity and acceptance to strengthen children’s capacity for caring about others ([www.mcf.gov.bc.ca/early\\_childhood/roots.htm](http://www.mcf.gov.bc.ca/early_childhood/roots.htm)).

648. The Government of British Columbia has also worked with post-secondary institutions to ensure diversity is taught in Child Welfare Specialization curricula, and that core training for new front-line staff addresses diversity.

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

649. The Government of British Columbia has developed and implemented numerous initiatives to increase opportunities for child and youth participation towards decisions in related programs and services. For example, a Youth Advisory Council was established in 2007 to bring together young people from across the province to provide input to help inform related government services.

650. Effective October 17, 2007, legislation was in place requiring provincial standards for codes of conduct in schools. The Ministerial Order *Provincial Standards for Codes of Conduct* requires that the School District staff consult with students when establishing the



Code of Conduct for schools within their district and that they review the Code annually with students ([www.bced.gov.bc.ca/legislation/schoollaw/e/m276-07.pdf](http://www.bced.gov.bc.ca/legislation/schoollaw/e/m276-07.pdf)).

651. During the reporting period, British Columbia commenced a pilot project involving children in mediation, which provides an opportunity for children to express their views during the mediation process when parents are developing parenting plans after family separation. The service is confidential and is contingent upon the consent of the parents and the child, and an assessment by the Family Justice Counsellor. A child's views may be brought to the parents' mediation session by a trained Family Justice Counsellor following an interview with the child, or, the child may participate in the mediation session providing the child is at least 12 years of age and the circumstances deem it appropriate. It is anticipated that the inclusion of the child's views in mediation will encourage an earlier settlement of the child-related issues and help parents make better decisions for their family.

### **Training of professionals**

652. The federal *Youth Criminal Justice Act*, the provincial *Youth Justice Act* ([www.qp.gov.bc.ca/statreg/stat/y/03085\\_01.htm](http://www.qp.gov.bc.ca/statreg/stat/y/03085_01.htm)), as well as the United Nations *Convention on the Rights of the Child*, and the *Canadian Charter of Rights and Freedoms* guide youth justice services in British Columbia. Ongoing training on youth justice matters occurs for new employees and on a regular basis as part of British Columbia's continuing education plan for justice system professionals.
653. Examples of rights-based training include a leadership team and regional staff participation in a university-hosted Child Rights in Practice educational conference in 2007. A new Child Rights and Advocacy Team is developing initiatives related to child and youth rights and effective advocacy. For information on overall plans, please visit [www.mcf.gov.bc.ca/about\\_us/pdf/Strong\\_Safe\\_Supported.pdf](http://www.mcf.gov.bc.ca/about_us/pdf/Strong_Safe_Supported.pdf).

### **Civil rights and freedoms (Articles 7, 8, 13-17 and 37)**

654. The Government of British Columbia has implemented measures towards ensuring that Aboriginal children in alternative care are able to maintain their identity and culture. In 2007, approximately 130 of nearly 200 First Nation bands in British Columbia were represented by agencies that either have, or are planning toward, delegation agreements to provide child and family services to their communities. By the end of 2007, 24 delegated Aboriginal child and family service agencies in British Columbia operated, with varying levels of delegation. Partnership work continues as Aboriginal communities continue building capacity to exercise jurisdiction in delivering their own child and family services.
655. A series of Aboriginal Cultural Awareness training sessions took place during the reporting period through Caring for First Nations Children Society facilitators. Programs such as the North Region's *A Child's Roots are Forever* are in place to help ensure that

Aboriginal children in care are able to preserve connections to their family, community and Aboriginal identity and heritage.

## **Family environment and alternative care (Articles 5, 9-11, 18-21, 25, 27 and 39)**

### **Child care and support services**

656. In 2005, a new Targeted Major Capital Grants Program began supporting project costs to create new licensed child care spaces by non-profit providers in communities.
657. As well, in 2005, improvements to British Columbia's Child Care Subsidy Program included increases in family subsidies and in the qualifying annual income threshold. In 2006, the Government of British Columbia committed to fund the child care subsidy on a continuous basis, and exempted the federal Universal Child Care Benefit from the income test for subsidy. In 2007, the provincial government improved the subsidy rate system for kindergarten children and increased subsidy rates for school-age children ([www.mcf.gov.bc.ca/childcare/subsidy\\_promo.htm](http://www.mcf.gov.bc.ca/childcare/subsidy_promo.htm)). Further information on changes to the British Columbia Child Care Subsidy Program was reported within Canada's Sixth and Seventh Reports on the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW).
658. In 2006-2007, significant funds for Quality Improvement Enhancements were provided to facilities to support licensed child care providers with operating costs. Funding was allocated to develop and expand 22 neighbourhood hubs for early years' programs by co-locating and integrating early years' services for families. In 2007, there were over 86,000 licensed child care spaces receiving on-going funding through the Child Care Operating Fund – nearly a 20 percent increase since the launch of the program in 2003-2004. Additional information on child care in British Columbia is available at [www.mcf.gov.bc.ca/childcare/](http://www.mcf.gov.bc.ca/childcare/).
659. British Columbia's Supported Child Development Program enables more than 5,800 children with special needs to participate in child care settings (see [www.cf.gov.bc.ca/spec\\_needs/scd.htm](http://www.cf.gov.bc.ca/spec_needs/scd.htm) for more information). Additional special needs supplements help special needs children and their families with their child care requirements.
660. In 2007, partnerships facilitated the creation of child care spaces in social housing developments, eliminating some barriers to child care, employment, and schooling for vulnerable families. Investments have been made to support Young Parent Programs (YPP) to assist young parents in completing secondary education and to access parenting resources while receiving YPP licensed infant/toddler child care.

### **Child and family benefits and other initiatives addressing child poverty**

661. A number of measures have been implemented by the Government of British Columbia to reduce the risk of poverty for families, thereby benefiting children. For example, the 10 by 10 Challenge invites communities and industry to increase employment for persons with disabilities ([www.10by10challenge.gov.bc.ca/](http://www.10by10challenge.gov.bc.ca/)).
662. British Columbia's Medical Services Plan (MSP) Premium Assistance was extended by \$4,000 (in 2002 and 2005) to eliminate MSP premiums for most low-income families ([www.health.gov.bc.ca/msp/](http://www.health.gov.bc.ca/msp/)).
663. Fair PharmaCare, administered on behalf of the provincial Ministry of Health, protects residents of British Columbia from high drug costs through the subsidization of prescription drugs and designated medical supplies. Starting May 1, 2003, Fair PharmaCare has focused financial assistance on families in British Columbia who are most in need, based on their net income. Details on the Fair PharmaCare Plan are available at [www.health.gov.bc.ca/pharmacare/plani/planiindex.html](http://www.health.gov.bc.ca/pharmacare/plani/planiindex.html).
664. In April 2007, income assistance rates were increased in British Columbia for all categories of recipients. Rate increases were applied to both support and shelter portions of assistance, benefiting about 135,000 individuals.
665. Investments were increased for community-based Family Resource Programs (FRPs), for families to strengthen parenting skills and access stimulating environments for children. FRPs are community hubs providing information, education, referrals, and targeted supports and interventions. In 2006-2007, funding was provided to the BC Association of Family Resource Programs to build capacity of smaller, rural FRPs.
666. The Children's Education Fund has been established to support the costs of paying for post-secondary education. For every child born on or after January 1, 2007, in British Columbia, outside the province to parents who normally live in the province, or adopted by parents in British Columbia, the government is investing \$1,000 into the Fund. By the time the child enters post-secondary education, the fund plus interest is expected to amount to more than \$2,200 per child.
667. Additional measures to reduce the risk of poverty for families are described in Canada's Sixth and Seventh Reports on the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW).

### **Use of minor corrective force and alternatives to physical discipline of children**

668. Corporal punishment is not permitted in British Columbia's public schools. Section 76(3) of the *School Act* sets out the standard of discipline of a student. Brochures on parenting were produced by the government that include information on positive ways to discipline children.

## **Basic health and welfare (Articles 6, 18, 23, 24, 26 and 27)**

669. British Columbia continues to support low-income children through initiatives like the Healthy Kids Program, as described in Canada's Sixth and Seventh Reports on CEDAW.
670. Services for children and youth with special needs and their families have expanded in British Columbia, and a new framework was completed in 2007 to improve service coordination and accessibility between provincial ministries/agencies. Some initiatives include:
- expansion of autism resources with direct funding that allows eligible families more choice in choosing interventions for their children ([www.mcf.gov.bc.ca/autism/funding\\_programs.htm](http://www.mcf.gov.bc.ca/autism/funding_programs.htm));
  - establishment of a national autism research chair at Simon Fraser University to build capacity and improve treatment and intervention options ([www2.news.gov.bc.ca/news\\_releases\\_2005-2009/2007CFD0043-001334.htm](http://www2.news.gov.bc.ca/news_releases_2005-2009/2007CFD0043-001334.htm));
  - increase in some programs for persons with hearing impairments including transitioning, addictions and mental health services ([www.mcf.gov.bc.ca/psdhh/](http://www.mcf.gov.bc.ca/psdhh/)); and
  - development of new key worker and parent support approaches for families of children and youth with Fetal Alcohol Spectrum Disorder (FASD) and similar conditions to improve prevention, diagnosis, assessment, intervention and support for children and youth with FASD and their families ([www.mcf.gov.bc.ca/fasd/ten\\_year\\_plan.htm](http://www.mcf.gov.bc.ca/fasd/ten_year_plan.htm)).

## **Pregnancy and early childhood development**

671. In June 2006, the Government of British Columbia developed the Peri-natal Depression Framework to guide senior health authority administrators in the development of regionally appropriate strategies for addressing peri-natal depression and strengthening services ([www.health.gov.bc.ca/library/publications/year/2006/MHA\\_PerinatalDepression.pdf](http://www.health.gov.bc.ca/library/publications/year/2006/MHA_PerinatalDepression.pdf)).
672. In June 2006, the *BC HealthFile: Pregnancy and Alcohol Use* was published<sup>32</sup> that describes the risks of alcohol use during pregnancy, ways to reduce risk, and how to access support to cut down or stop using alcohol during pregnancy.
673. The Government of British Columbia has released a new 10-year *2008-2010 Fetal Alcohol Syndrome Disorder (FASD) Framework* to build on the province's first strategic plan of 2003, which included government departments working with health authorities and community partners to support women having healthy pregnancies and assist those living with FASD ([www.mcf.gov.bc.ca/fasd/ten\\_year\\_plan.htm](http://www.mcf.gov.bc.ca/fasd/ten_year_plan.htm)).

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<sup>32</sup> Information on HealthFiles was included in Canada's Fifth Report on the *International Covenant on Economic, Social and Cultural Rights*.

674. The number of Aboriginal Infant Development Programs has grown significantly since 2003, many of which are on reserves or in remote communities. As well, Aboriginal Early Childhood Development initiatives have been developed and/or expanded in the reporting period.
675. In 2007, *Steps in the Right Direction: Connecting and Collaborating in Early Intervention Therapy with Aboriginal Families and Communities in British Columbia* was published.<sup>33</sup>
676. In January 2007, funding was provided to the University of British Columbia to support research on the reasons behind the high pregnancy rates among teens in rural and northern British Columbia. These rates are 60 percent higher than the provincial average despite public health efforts. The Rural and Remote Youth Contraception Research team is an interdisciplinary team created to investigate youth's experiences with contraception in Northern British Columbia.
677. In February to May 2007, breastfeeding education, following UNICEF/WHO guidelines, was provided to ninety-two nurses through a five-day 'Train-the-Trainer' program to gain knowledge, tools, templates and techniques to train other health care professionals who are supporting breastfeeding families in British Columbia.

### **Health care for Aboriginal and rural children**

678. In 2003, additional funding was provided to expand services province-wide; including for new, culturally relevant mental health services for Aboriginal children, youth and their families, through development of regional Aboriginal mental health plans. Funding for the Child and Youth Mental Health (CYMH) Plan in British Columbia doubled as did the number of young persons receiving services and the Plan broadened services from a focus on crisis and treatment, to a focus on reducing risk, building capacity and improving treatment and support using evidence-based practices. This includes strategies to: reduce risk factors that are socio-cultural and bio-psychosocial; promote resilience, strengthen social environments; and, improve recognition and promote awareness.
679. New regional Aboriginal CYMH plans increased culturally relevant services that improve access to general services and develop community capacity. In partnership with local Aboriginal leaders and communities, the Plan provides unique opportunities to create a balanced and holistic approach to treatment and wellness.
680. In November 2006, the Government of British Columbia and the First Nations Leadership Council released the *Transformative Change Accord: First Nations Health Plan – Supporting the Health and Wellness of First Nations in British Columbia* (the First Nations Health Plan). The First Nations Health Plan identifies twenty-nine action items intended to close the gaps in health status between First Nations people and other British

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<sup>33</sup> This report is available at [www.acc-society.bc.ca/files\\_new/documents/StepsintheRightDirectionConnectingandCollaboratinginEarlyInterventionTherapywithAb.Familiesa.pdf](http://www.acc-society.bc.ca/files_new/documents/StepsintheRightDirectionConnectingandCollaboratinginEarlyInterventionTherapywithAb.Familiesa.pdf)

Columbians ([www.fns.bc.ca/pdf/FirstNationsHealthImplementationPlan\\_Combo\\_LowResolution.pdf](http://www.fns.bc.ca/pdf/FirstNationsHealthImplementationPlan_Combo_LowResolution.pdf)).

681. In June 2007, following the First Nations Health Plan, the Government of Canada, the Government of British Columbia and the First Nations Leadership Council<sup>34</sup> signed the *Tripartite First Nations Health Plan* (FNHP) that will implement the action items from the first agreement. The progress of the FNHP will be tracked by monitoring seven “performance indicators”: life expectancy at birth, mortality rates, Aboriginal youth suicide rates, infant mortality rates, diabetes rates, childhood obesity, and numbers of practicing, certified First Nations health care professionals. The provincial Health Officer will issue Aboriginal health status reports every five years, with interim updates every two years.

### **Aboriginal youth suicide prevention**

682. British Columbia's rates of death by suicide for youth ages 15-19 years have declined since 2003.
683. In February 2007, British Columbia co-hosted a provincial forum on First Nation Youth Suicide with the Task Force on First Nation Youth Suicide and the Government of Canada.
684. Two actions from the *Tripartite First Nations Health Plan* (2007) address Aboriginal youth suicide:
- The Government is partnering with First Nations, Aboriginal partners, and the Government of Canada, to develop and implement an Aboriginal Mental Health and Addictions Strategy. A key component of the strategy will be a focus on suicide prevention.
  - The First Nations Leadership Council and the Province will host a forum for all health authorities and First Nations Elders and youth to support and encourage learning about First Nations' heritage, cultures and spirituality, and to develop models for youth suicide prevention.
685. British Columbia supports local mental health initiatives for Aboriginal children and youth. For example, the Loomsk Project,<sup>35</sup> which resulted from a collaborative partnership between diverse representatives in the North region. Built on evidence-based practices, it combined an Indigenous school-based youth suicide prevention program and an Aboriginal youth mentorship program. Pilot results showed a significant decrease in behavioural problems of participating children, and greater ability to express their feelings ([www.mcf.gov.bc.ca/suicide\\_prevention/approach.htm](http://www.mcf.gov.bc.ca/suicide_prevention/approach.htm) and [www.mcf.gov.bc.ca/about\\_us/pdf/Strong\\_Safe\\_Supported.pdf](http://www.mcf.gov.bc.ca/about_us/pdf/Strong_Safe_Supported.pdf)).

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<sup>34</sup> Represented by the First Nations Summit, BC Assembly of First Nations, and the Union of BC Indian Chiefs.

<sup>35</sup> Loomsk is a Sm'algayaz (a First Nations language) word meaning “respect”.

## Minimizing risks to adolescent health

686. The Government of British Columbia's partnership with Simon Fraser University, through a major grant, ensures that policy development is informed by research. Funding has been provided to publish reviews of the best available research evidence on preventing and treating a variety of children's mental disorders ([www.mcf.gov.bc.ca/mental\\_health/research\\_initiatives.htm](http://www.mcf.gov.bc.ca/mental_health/research_initiatives.htm)).
687. A self-help tool for youth, *Dealing with Depression: Anti-Depressant Skills for Teens*, was posted on the web ([www.mcf.gov.bc.ca/mental\\_health](http://www.mcf.gov.bc.ca/mental_health)). The school-based *FRIENDS* program helps to prevent anxiety and depression and promotes resilience among children and youth by skill-building ([www.mcf.gov.bc.ca/mental\\_health/friends.htm](http://www.mcf.gov.bc.ca/mental_health/friends.htm)).
688. As part of a broad public awareness campaign, child and youth mental health documentaries were created in partnership with the Knowledge Network and Children's Mental Health Policy Centre ([www.knowledgenetwork.ca/takingcare/intro.html](http://www.knowledgenetwork.ca/takingcare/intro.html)).

## Adequate housing

689. In 2006, the Government of British Columbia introduced a new housing strategy, *Housing Matters BC*, aimed at strengthening the government response to those in need. One of the six goals is that the homeless have access to stable housing with integrated support services.
690. In April of 2007, the Government of British Columbia increased the shelter rate maximum for income assistance and hardship to provide families with more options. Support and shelter rates for families with children were also standardized so that all children receive the same amount of assistance regardless of the category of their parents.
691. In 2007-2008, the Government of British Columbia increased funding to housing initiatives by 10 percent to \$352 million, which expanded housing programs for seniors, the homeless, and rent assistance for low-income working families. During this year, 2,437 new units were added to the existing inventory of subsidized housing. Some 800 housing providers – mostly non-profit societies and housing co-operatives – manage about 57,000 units of subsidized housing and the Government of British Columbia manages 7,800 public housing units.
692. In 2007-2008, agreements were reached with three municipal governments to expedite the development of approximately 1,600 supported housing units. The Government of British Columbia provided \$10 million towards pre-development costs to ensure units were ready for construction within one year.
693. Over 85,400 households in 200 communities were assisted through subsidized housing programs in 2007-2008. In 2006, the province introduced the Rental Assistance Program, which was developed to assist low-income families with monthly rent supplements and is helping more than 6,000 households with direct monthly cash assistance.

694. In order to improve access to housing for those most in need, changes were introduced to the application process to give priority access to housing to those who face severe risk to their health and/or safety, such as those who are homeless, or experience serious health, medical or social needs. This includes those at risk of homelessness, people with mental or physical disabilities, women and children fleeing abusive relationships, or those living in severely inadequate housing.

### **Homelessness**

695. Initiated in 2004, the British Columbia Provincial Homelessness Initiative provides a comprehensive approach to homelessness, mental illness and addictions by integrating housing with the appropriate support services. BC Housing allocated additional units to the program, bringing the total to 2,287 in 2006-2007, with an additional 1,552 new units in 2007-2008. In 2007-2008, the Government of British Columbia also purchased and upgraded a number of single room occupancy hotels totalling 1,428 units, preserving the supply of safe, affordable and stable housing for those who might otherwise be on the street.
696. A new homelessness outreach program was started in 2006 that connects homeless individuals with income assistance, health services and affordable housing. The program was expanded in 2007-2008 to include more than 40 communities. The outreach program complements the Emergency Shelter Program, which was enhanced by converting seasonal beds to year-round shelter. Increased funding in 2007-2008 enabled emergency shelters to open 24 hours a day/seven days a week. The coordination of the outreach and shelter programs is helping to create an integrated system of housing and support that will ensure a more comprehensive approach to homelessness. This approach envisions shelters functioning as 'gateways' to permanent housing and required supports.

### **Education, leisure and cultural activities (Articles 28, 29 and 31)**

697. StrongStart BC is a free, drop-in, early learning program for preschool children accompanied by a parent or caregiver. Qualified early childhood educators lead learning activities to help children get ready for success in kindergarten ([www.bced.gov.bc.ca/early\\_learning/](http://www.bced.gov.bc.ca/early_learning/)).
698. British Columbia's kindergarten to Grade 12 education system focuses on career development for students and their parents as a key objective ([www.bced.gov.bc.ca/careers/planning/](http://www.bced.gov.bc.ca/careers/planning/)).
699. Various initiatives have targeted reducing high school dropout rates such as the CommunityLINK programs for vulnerable students, *Aboriginal Education Enhancement Agreements*, and integrating culturally appropriate Aboriginal content.



## Education for Aboriginal children, rural children and children at risk

700. The British Columbia web site on Aboriginal education describes programs and services: [www.bced.gov.bc.ca/abed/](http://www.bced.gov.bc.ca/abed/).
701. During the reporting period, the Government of British Columbia signed the *First Nations Education Jurisdiction Agreement* and enacted legislation to recognize First Nations' jurisdiction over on-reserve schools. The Government of British Columbia also created, signed and implemented 36 *Aboriginal Education Enhancement Agreements* around the province. Through the agreements, school boards and all local Aboriginal communities jointly identify the direction needed to improve the success of Aboriginal students and take steps to reach their shared goals. These agreements reflect local Aboriginal culture and resources.
702. The Government of British Columbia also provided grants to help Friendship Centre Societies with enhanced early childhood development programming and family literacy initiatives on and off-reserve.
703. The Urban Aboriginal Literacy Strategy increases literacy among Aboriginal families through 24 Friendship Centres. Funding has been provided to the Aboriginal Head Start Association of British Columbia to develop Language Nest and Baby Immersion Programs that aim to immerse children aged zero to three in the child's language dialect and support cultural knowledge to promote healthy babies and families through centre-based and home-support activities. Aboriginal Early Childhood Development programs have been expanded in Aboriginal communities and support culturally appropriate programs.<sup>36</sup>
704. Action research through the Aboriginal Enhancement Schools Network Project (2007-2008), a network set up in partnership with the Network of Performance Based Schools, is designed to make a positive difference to the learning, transition and school completion of Aboriginal students.
705. In 2007, work began on a pilot high school Youth Work Xchange program for Aboriginal youth as an option for them to gain work experience with the Government of British Columbia by exploring social service careers, and be encouraged to consider post-secondary studies in the field.

## Child rights education

706. The Rights 2 Success initiative was a partnership project between the former Child and Youth Officer for British Columbia, the Federation of British Columbia Youth in Care Networks (YICN), and the Government of British Columbia ([www.fbcyicn.ca/files/rights\\_2\\_success/rights2success.pdf](http://www.fbcyicn.ca/files/rights_2_success/rights2success.pdf)). The YICN was also funded to develop a publication called *Your Life, Your Rights* ([www.fbcyicn.ca/files/rights-book/know-rights-online.pdf](http://www.fbcyicn.ca/files/rights-book/know-rights-online.pdf)).

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<sup>36</sup> For more on AECD programs, see: [www.mcf.gov.bc.ca/early\\_childhood/aecd.htm](http://www.mcf.gov.bc.ca/early_childhood/aecd.htm).

## **Special protection measures (Articles 22, 30 and 32-40)**

### **Protection of Aboriginal children**

707. In late 2007, the Vancouver Aboriginal Child and Family Services Society signed a five-year delegation agreement with the Government of British Columbia, which has provided them with full delegation authority for child protection services for Aboriginal children, youth and families in two large urban areas. The Cowichan Tribes child and family service agency, Lalum'utul'Smun'eem, signed an *Adoption Enabling Agreement* in 2007 to assume responsibility for adoptions of Cowichan children.
708. The Government of British Columbia is working with Aboriginal and other partners to develop a 10- year Aboriginal Housing Action Plan that will complement the *First Nations Housing Memorandum of Understanding*. The Government of British Columbia funded 292 housing units under the \$50.9 million Aboriginal Housing Initiative to help address the short-term housing needs for Aboriginal people living off reserve.

### **Protection of refugee children, separated children and unaccompanied children seeking asylum**

709. Effective 2007-2008, the Settlement Workers in Schools initiative, with funding from the Government of British Columbia and the Government of Canada, contracts school districts with significant enrolment of immigrant and refugee students to provide a school-based outreach program that supports newly-arrived immigrant and refugee students and their families. Services are provided by Settlement Workers who are placed in schools and include:
- reaching out to new arrivals to the school district, including 'hard to reach' families;
  - providing information and orientation about Canadian culture and service systems, particularly about school policies and expectations, and the British Columbia education system;
  - referring and assisting students or their families to access school or community programs and services; and
  - providing cultural interpretation and facilitating culturally sensitive communication between school staff and the students and their families over non-educational issues.

### **Protection of children from sexual exploitation and sexual abuse, and the sale, trafficking and abduction of children**

710. The "Violence in the Lives of Sexually Exploited Youth and Adult Sex Workers in British Columbia" project studied six communities and determined best practices for supporting victims of sexual exploitation. Community and inter-agency training was offered in seven Northwest British Columbia communities ([www.jibc.bc.ca/cccs/publications/Violence%20Research%20Final%20Report.pdf](http://www.jibc.bc.ca/cccs/publications/Violence%20Research%20Final%20Report.pdf)).

711. Reports on sexual exploitation and youth gang involvement were shared with British Columbia's victim services, community action teams and youth serving agencies. The Office to Combat Trafficking in Persons conducts research on the situation of minors trafficked into or through British Columbia for purposes of exploitation.
712. In 2007-2008, service initiatives for victims of sexual exploitation included funding toward the Mobile Access Project, a van supporting sexually-exploited youth and adults, and intensive training on sexual assault for victim service workers, experiential women and others working with sexually-exploited youth and adults.
713. The Assistant Deputy Ministers' Committee on Prostitution and the Sexual Exploitation of Children and Youth, oversees research and policy development related to prostitution and youth sexual exploitation issues. Initiatives include cross-ministry information sharing, joint research, and grant programs. In partnership with the Government of Canada, in 2006 the Government of British Columbia provided nearly \$1.3 million in grants to address sexual exploitation of young people and adult prostitution.
714. Please refer to Canada's First Report on the *Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography* for additional information.

### **Protection from economic exploitation**

715. WorkSafeBC has conducted research that has found that young workers in general are experiencing a higher injury rate than the average of all workers in the province. To mitigate this, the agency has developed tools and educational material to educate youth about their workplace safety rights and responsibilities, and make them aware of dangers at the worksite. Workplace safety instruction is now a mandatory component of the curriculum and all Grade 10 students receive up to seven hours of information about their rights and responsibilities, hazard recognition, and basic injury prevention.
716. The *Employment Standards Regulation* was amended in 2003 with respect to conditions of employment for children. As part of the young worker injury prevention initiatives, WorkSafeBC implemented new regulations for young and new workers in 2007 that require employers to perform orientation and training to young workers before they begin work.

### **Children in conflict with the law**

717. British Columbia's number of youth in custody has fallen significantly in the last several years. Between 1995-1996 and 2006-2007, the youth custody count dropped by 68 percent. Since the implementation of the *Youth Criminal Justice Act* in 2003, the youth custody count dropped by over 40 percent.
718. Non-custody options for youth in the justice system have been expanded in British Columbia to include restorative justice conferences, and intensive support and supervision for community re-integration. British Columbia has had a declining custody

rate for many years, due in part to community-based alternatives that help rehabilitate a youth while keeping communities safe. In 2006, Youth Custody Services in British Columbia were accredited by the Council on Accreditation, which has played an important role in ensuring that service providers comply with recognized best practices.

719. In January 2007, a policy directive outlining referral policies for police and victim services to ensure victims of certain crimes, including sexual exploitation, are referred to an appropriate program was released ([www.pssg.gov.bc.ca/victim\\_services/publications/policy/ReferralPolicy.pdf](http://www.pssg.gov.bc.ca/victim_services/publications/policy/ReferralPolicy.pdf)).

## **Part IV**

### **Measures Adopted by the Governments of the Territories**

## Nunavut

720. On April 1, 1999, the new territory of Nunavut was created out of the Northwest Territories pursuant to Section 3 of the *Nunavut Act*, S.C. 1993, c. 28. Modeled on the *Northwest Territories Act* and the *Yukon Act*, the *Nunavut Act* bestows on the Government of Nunavut powers equivalent to those possessed by the other two territories. Under section 29 of the *Nunavut Act*, all territorial laws in force in the Northwest Territories immediately before division were duplicated for Nunavut on April 1, 1999. All other laws in force in the Northwest Territories on April 1, 1999 (e.g. federal laws, common law) were continued in Nunavut, to the extent that they were applicable.
721. By letter addressed to the Prime Minister of Canada, dated September 8, 2003, the Premier of Nunavut expressed Nunavut's support for the objectives and principles contained in the *Convention on the Rights of the Child*. The letter further extended Nunavut's formal support for the Government of Canada's ratification of the Convention.

### **General measures of implementation (Articles 4, 42 and 44)**

#### **Child expenditures**

722. Information on the Government of Nunavut early childhood development programs and expenditures can be found at [www.gov.nu.ca/education/eng/echild/index.htm](http://www.gov.nu.ca/education/eng/echild/index.htm).
723. The Government of Nunavut's most recent report on early childhood development (2004-2007) is available at [www.gov.nu.ca/education/eng/pubdoc/2004-2007%20-%20English%20-%20ECD%20Update%20Report.pdf](http://www.gov.nu.ca/education/eng/pubdoc/2004-2007%20-%20English%20-%20ECD%20Update%20Report.pdf).
724. Governmental business plans also provide information on programming and estimated costs related to children ([www.gov.nu.ca/finance/2006business/](http://www.gov.nu.ca/finance/2006business/)).

#### **Data collection and dissemination**

725. Each department within the Government of Nunavut collects its own data, for example: the Department of Education collects data related to the education of children and the Department of Culture, Language, Elders and Youth collects information related to youth programming.
726. Early childhood data is used internally as well as in reporting to various federal and territorial funding agencies.

727. The Department of Education is in the planning stages of the development of a new Student Information System that will allow for the recording of data for various age groups.

## **General principles (Articles 2, 3, 6 and 12)**

### **Non-discrimination**

728. The Government of Nunavut passed its *Human Rights Act* on November 4, 2003. Pursuant to the terms of the legislation, the Act came into effect on November 5, 2004.
729. The Act recognizes and acknowledges the right to equality and prohibits discrimination based on various grounds, including age, sex, marital status, family status and pregnancy as well as on lawful source of income. The Act also protects males and females alike against discrimination by virtue of planning to adopt a child, a common occurrence in Nunavut. Information on the Act can be found in Canada's Fifth Report on the *International Covenant on Civil and Political Rights*.

## **Family environment and alternative care (Articles 5, 9-11, 18-21, 25, 27 and 39)**

### **Child care and support services**

730. The Government of Nunavut's Early Childhood Program encourages the development of early childhood programs and licensed child care facilities. The Program provides start-up and annual operating funding to eligible non-profit licensed child care facilities and family day homes. There are 46 licensed programs in 23 communities in Nunavut. These licensed facilities include daycares, preschools, Head Start Programs and afterschool programs.
731. All licensed child day care facilities in Nunavut must follow the *Northwest Territories Child Day Care Act* ([http://action.attavik.ca/home/justice-gn/attach-en\\_conlaw\\_prediv/Type0242.pdf](http://action.attavik.ca/home/justice-gn/attach-en_conlaw_prediv/Type0242.pdf)) and Regulations ([http://action.attavik.ca/home/justice-gn/attach-en\\_conlaw\\_prediv/reg029.pdf](http://action.attavik.ca/home/justice-gn/attach-en_conlaw_prediv/reg029.pdf)) that were adopted by the Nunavut Government on April 1, 1999.
732. In March 2003, Federal, Provincial, and Territorial Ministers responsible for Social Services agreed on a framework for improving access to affordable, quality, provincially and territorially regulated early learning and child care programs and services. The goals of this agreement are to increase the number of child care and preschool spaces, to reduce the cost of child care and preschool services for low- and modest-income families, and to improve the quality of child care and preschool services. As part of this agreement the Government of Nunavut released a baseline report for the 2002-2003 fiscal year ([www.gov.nu.ca/education/eng/pubdoc/ECD\\_Up\\_Rep\\_0203.pdf](http://www.gov.nu.ca/education/eng/pubdoc/ECD_Up_Rep_0203.pdf)).

## **Child and family benefits and other initiatives addressing child poverty**

733. The Government of Nunavut works with the Government of Canada, through the National Child Benefit, to help families raise healthy children and reduce child poverty.
734. The Nunavut Child Benefit is combined with the Canada Child Tax Benefit into a single tax-free monthly payment given to qualifying families with children under the age of 18 and living at home. It includes a basic benefit and a Territorial Worker's Supplement, an additional benefit for families who have earned a certain minimum income the previous year and which have one or more children under the age of 18 and living at home.

## **Basic health and welfare (Articles 6, 18, 23, 24, 26 and 27)**

### **Pregnancy and early childhood development**

735. Nunavut is a member of the Canada Northwest Fetal Alcohol Spectrum Disorder Partnership, a health-related initiative to address fetal alcohol syndrome and its effects (FAS/E). With assistance from the Partnership and through its own initiatives, the Government of Nunavut has started the initial stages of an FAS/E Program. This program will cover the education/awareness and prevention, as well as the care and support for those individuals and family members affected by this preventable disease.
736. As signatory to the September 2000 First Ministers' Communiqué on Early Childhood Development, the Government of Nunavut is committed to the development of an early childhood system grounded in the growing body of knowledge on the importance of the early years.
737. The vision of the Government of Nunavut's Healthy Children Initiative (HCI) is "healthy children born to healthy parents, growing up in strong and supportive families in caring communities." HCI provides financial support to organizations and communities for programs and services that try to achieve this vision.
738. HCI emphasizes a holistic approach where young people, parents and families and communities are part of an important network that works to develop healthy babies who grow into healthy children. HCI has two funds:
- **Community Initiatives:** Provides funding for the enhancement or development of early childhood intervention programs and services for children zero to six years of age and their families.
  - **Supportive Child Services:** Provides funding on an individual basis for children requiring intensive support or specific assistance. This may include supported child care, occupational therapy, physiotherapy, speech and language therapy and supports, and supports to enable children to attend centre-based early childhood programs.



## **Aboriginal youth suicide prevention**

739. In June 2007, the Government of Nunavut released *Annirusuktugut: A Suicide Intervention and Prevention Strategy*. The strategy is based on six key objectives to foster stronger interdepartmental coordination as well as a strengthened working relationship with the Isaksimagit Inuusirmi Katujjiqatigiit (the Embrace Life Council) in order to better address the needs of communities.

## **Education, leisure and cultural activities (Articles 28, 29 and 31)**

740. The Government of Nunavut provides a range of programs and services to support the needs of youth across the region. It provides support for the development of youth committees and provides creative and collaborative opportunities for youth.
741. In 2003, work began on a Youth Identity Development Strategy ([www.gov.nu.ca/cley/english/pdf/youthstrategy\\_english.pdf](http://www.gov.nu.ca/cley/english/pdf/youthstrategy_english.pdf)) to help the Government of Nunavut focus programs, grants and contributions towards priorities identified *by youth for youth*.

## **Education for Aboriginal children, rural children and children at risk**

742. The Government of Nunavut continues to work to help as many students successfully complete their education as possible. From 1999-2000 to 2004-2005, the Nunavut graduation rate increased by 29.1 percent, compared to a 10 percent increase in the national average.
743. The Statistics Canada Center for Education summary on Canadian Public School Indicators shows that the investment the Government of Nunavut is making in education is strengthening the system and supporting students in their studies. The student-educator ratio in Nunavut has decreased from 19.2 per educator in the 1999-2000 school year to 16.2 per educator in 2004-2005, meaning there are fewer students per educator in Nunavut schools. Between 2003-2004 and 2004-2005, Nunavut had the largest increase in the number of educators in Canada at 17.8 percent.

## Northwest Territories

### General measures of implementation (Articles 4, 42 and 44)

#### Child expenditures

744. Government of the Northwest Territories departmental expenditure documents and budget documents can be found at [www.fin.gov.nt.ca/public-accounts/index.htm/](http://www.fin.gov.nt.ca/public-accounts/index.htm/).
745. Reports relating to early childhood development can be found at [www.ece.gov.nt.ca/Publications/indexPublications.htm](http://www.ece.gov.nt.ca/Publications/indexPublications.htm).
746. Reports relating to youth development can be found at [www.maca.gov.nt.ca/sport/youth/index.html](http://www.maca.gov.nt.ca/sport/youth/index.html).

#### Data collection and dissemination

747. The Government of the Northwest Territories Bureau of Statistics has overall responsibility for statistical programs. Departments collaborate with the Bureau of Statistics on the collection and analysis of data.
748. Schools in the Northwest Territories are required to provide academic achievement and related records if and when students relocate to other schools in Canada. Counselling files, however, need to be specially requested, and the release of these files must be authorized by the parent or guardian of the child in accordance with *Access to Information and Privacy Act* requirements ([www.justice.gov.nt.ca/pdf/ACTS/Access\\_to\\_Information.pdf](http://www.justice.gov.nt.ca/pdf/ACTS/Access_to_Information.pdf)).

### General principles (Articles 2, 3, 6 and 12)

#### Best interests of the child

749. In 2008, the Northwest Territories *Maintenance Orders Enforcement Act* ([www.justice.gov.nt.ca/PDF/ACTS/Maintenance%20Orders%20Enforcement.pdf](http://www.justice.gov.nt.ca/PDF/ACTS/Maintenance%20Orders%20Enforcement.pdf)) was amended in order to facilitate the collection of maintenance payments for the benefit of children and families. The amendments fall into three categories:
- (i) Prerequisites to effective enforcement, such as the ability to instruct the Registrar of Motor Vehicles to suspend or refuse to issue a driver's licence to debtors that have failed to meet their family support obligations.
  - (ii) Enhanced enforcement mechanisms, such as the garnishment of a portion of joint accounts in financial institutions, and the ability of a court to order third

parties to provide financial information, where it appears that a debtor is using a third party to shelter his or her assets.

(iii) Improvement in program efficiencies, such as the ability of the Maintenance Enforcement Program Administrator to attach monies in bank accounts or financial institutions, in the same manner as wage attachments.

750. On January 1, 2008, amendments to the Northwest Territories *Child and Family Services Act* ([www.justice.gov.nt.ca/PDF/ACTS/Child\\_&\\_Family\\_Services.pdf](http://www.justice.gov.nt.ca/PDF/ACTS/Child_&_Family_Services.pdf)) came into force. The amendments provide that when a child has been apprehended, an application for an order confirming the apprehension must be filed with a court within four days after the day on which the child was apprehended. The amendments also provide for other stricter timelines associated with child apprehension hearings, in order to ensure a prompt court review in such circumstances involving the apprehension of a child.

### **Training of professionals**

751. The Government of the Northwest Territories ensures that an intensive, 10-day statutory child protection worker training is delivered four times per year to all new Child Protection Workers and Community Social Services Workers. Specific sections of the training are delivered with respect to the philosophy and principles of the *Child and Family Services Act*. The duties and responsibilities of Child Protection Workers are based on the principle that all services are delivered in accordance with the “best interests of the child.”
752. The Government of the Northwest Territories has delivered court worker training focusing on the “best interests of the child” principle, and how it is considered paramount in separation/divorce issues that involve children. Training materials provided to court workers also highlight the importance of this principle.

### **Family environment and alternative care (Articles 5, 9-11, 18-21, 25, 27 and 39)**

753. During the reporting period, the preamble to the Northwest Territories *Child and Family Services Act* was amended requiring that consideration be given to placing an apprehended child within the child’s extended family. The preamble reads, “and whereas a child’s extended family can often provide important support in meeting the best interests of the child.”

### **Adoption, search for birth parents and access to parental medical history**

754. The Northwest Territories *Adoption Act*, in force November 1, 1998, provides the authority for the disclosure of information from the Adoption Registry ([www.justice.gov.nt.ca/PDF/ACTS/Adoption.pdf](http://www.justice.gov.nt.ca/PDF/ACTS/Adoption.pdf)). Children adopted under the Act may access their adoption record at the age of majority (19 years) as can anyone else who completed a personal history before the adoption order was made.

755. Children adopted under any predecessor Act are only entitled to non-identifying information from their adoption record, until such time as the birth parent consents to contact from the adopted person.

### **Child care and support services**

756. All programs that provide child care services without parents or guardians present are required to obtain a Northwest Territories Child Day Care Licence and maintain compliance with the Northwest Territories *Child Day Care Act* ([www.justice.gov.nt.ca/PDF/ACTS/Child\\_Day\\_Care.pdf](http://www.justice.gov.nt.ca/PDF/ACTS/Child_Day_Care.pdf)) and accompanying regulations.
757. Early childhood education staff employed with the Government of the Northwest Territories complete annual program inspections to ensure cross jurisdiction standards are maintained and complied with.

### **Child and family benefits and other initiatives addressing child poverty**

758. The Northwest Territories Child Benefit (NWTCB) is administered by the Government of Canada and is included with monthly Canada Child Tax Benefit payments. Families with net incomes below \$20,921 receive an annual NWTCB of at least \$330 per child. The NWTCB is based on the number of children and the family's net income declared in the previous year's income tax filings with the Government of Canada. The Territorial Workers' Supplement is paid to families with working incomes over \$3,750 and is phased-in so that the maximum benefit becomes available when working income reaches \$10,000.

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

759. The Northwest Territories has enacted the *International Child Abduction Act* ([www.justice.gov.nt.ca/pdf/ACTS/Int\\_Child\\_Abduct.pdf](http://www.justice.gov.nt.ca/pdf/ACTS/Int_Child_Abduct.pdf)) implementing the Hague *Convention on the Civil Aspects of International Child Abduction*.

### **Use of minor corrective force and alternatives to physical discipline of children**

760. Corporal punishment is not condoned in Northwest Territories schools. Effective/Positive Behaviour Support and Restitution approaches promote positive behaviour and constructive/restorative justice actions to remediate discipline issues. Both approaches are implemented school-wide and involve activities that educate all staff and students about appropriate behaviour and consequences.
761. Information on what constitutes physical child abuse has been outlined on the Government of the Northwest Territories web site at [www.hlthss.gov.nt.ca/english/services/child\\_protection/child\\_physical\\_abuse.htm](http://www.hlthss.gov.nt.ca/english/services/child_protection/child_physical_abuse.htm).

## **Basic health and welfare (Articles 6, 18, 23, 24, 26 and 27)**

762. Of the 33 communities in the Northwest Territories, one is a Federal reserve that obtains its drinking water from the neighbouring municipality. Through an interdepartmental drinking water initiative, the Government of the Northwest Territories ensures regular testing and monitoring of drinking water and the review of designs for water treatment plants. Since 2007, communities receive capital funding for community public infrastructure, including drinking water infrastructure. Allocations of Government of Canada gas tax funding, provided to each of the 33 communities, may be used for water-related infrastructure.
763. The Northwest Territories is partnering with the Yukon and the Nunavut governments, as part of a multi-year agreement, in the development of pan-territorial mass media initiatives designed to have a stronger, more relevant impact on the health choices made by northern residents.
764. Health services and social services are integrated to ensure equitable access for all residents throughout the Northwest Territories.

## **Pregnancy and early childhood development**

765. Fetal Alcohol Spectrum Disorder (FASD) is a serious issue in the Northwest Territories. The Government of the Northwest Territories is partnering through the Canada Northwest Fetal Alcohol Spectrum Disorder Partnership to combat FASD. As well, the Government of the Northwest Territories works collaboratively with a number of partners such as the Government of Canada and Northwest Territories community governments and organizations to ensure the delivery of community-based programs that can better respond to the local needs of children and their families. In 2007, the Government of the Northwest Territories supported 11 community-based projects targeting FASD, including awareness workshops, life skills sessions for affected youth, the services of a Family Outreach Support Worker, and a Traditional Parenting Train-the-Trainer course.

## **Aboriginal youth suicide prevention**

766. During the reporting period, the Government of the Northwest Territories has made suicide prevention activities a priority. The Community Counselling Program has employed "Community Wellness Workers", whose primary role is to promote mental wellness in the Northwest Territories.
767. Two national programs have also been implemented across the Northwest Territories to promote resiliency in children and youth. The "FRIENDS for Life" program teaches children and youth problem-solving abilities to foster resilience. The second program, "YouthNET NWT", focuses on the promotion of mental health and coping skills, early intervention and wellness education for youth.

768. Applied Suicide Intervention Skills Training, a widely used and researched suicide intervention skills training program developed by the non-governmental organisation, LivingWorks, is currently being supported by the Government of the Northwest Territories.
769. Communities and non-governmental agencies in the Northwest Territories are also involved in the delivery of culturally appropriate suicide prevention programming.

### **Minimizing risks to adolescent health**

770. In an effort to minimize health risks, the Government of the Northwest Territories promotes active lifestyles for children and youth:
- The Youth Centre Initiative Program provides financial support to assist with operating costs of youth centers and community-based facilities offering positive youth programs in the Northwest Territories.
  - The Youth Corps Program is designed to assist community governments or volunteer organizations with programs that offer a structured and varied program of outdoor, educational, work, life and personal growth experiences that challenge, engage, reward and recognize youth.
  - A series of youth trapper training and traditional skills projects is supported throughout the Northwest Territories. Programs are typically run in cooperation with schools and include an awards program.
  - The Youth Contribution Program supports initiatives that promote positive lifestyles and improve the quality of life and well-being of youth in their communities. This program has been used to support travel to youth conferences and to engage in various learning opportunities, other than sporting events.
  - The Youth Ambassador Program provides youth with an opportunity to build leadership skills through volunteer assignments at multi-sport games events and to act as ambassadors for the Northwest Territories.

### **Homelessness**

771. In March 2004, the Government of the Northwest Territories released the results of the *2004 Northwest Territories Community Survey*. Included in the report were two reports focusing on community housing needs and conditions. The reports can be accessed at [www.stats.gov.nt.ca/Stainfo/Housing/2004%20Report1.pdf](http://www.stats.gov.nt.ca/Stainfo/Housing/2004%20Report1.pdf) and [www.stats.gov.nt.ca/Stainfo/Housing/2004%20Report2.pdf](http://www.stats.gov.nt.ca/Stainfo/Housing/2004%20Report2.pdf).
772. In January 2007, the Government of the Northwest Territories introduced a homelessness reduction strategy entitled *Framework for the Government of the Northwest Territories Response to Homelessness*. Details can be found at [www.hlthss.gov.nt.ca/pdf/reports/homelessness/2007/english/framework\\_for\\_the\\_gnwt\\_response\\_to\\_homelessness.pdf](http://www.hlthss.gov.nt.ca/pdf/reports/homelessness/2007/english/framework_for_the_gnwt_response_to_homelessness.pdf)

773. In February 2007, the Government of the Northwest Territories established the Small Community Homelessness Fund. The goal of the fund is to provide communities in the Northwest Territories, outside the territorial capital, with seed funding to undertake projects to help the homeless in their community. Details can be found at [www.hlthss.gov.nt.ca/pdf/forms/homelessness/english/small\\_community\\_homelessness\\_fund\\_criteria.pdf](http://www.hlthss.gov.nt.ca/pdf/forms/homelessness/english/small_community_homelessness_fund_criteria.pdf).
774. The Government of the Northwest Territories also actively participates in a local homeless coalition.

## **Education, leisure and cultural activities (Articles 28, 29 and 31)**

775. With respect to education, all students in the Northwest Territories are entitled to the same access, rights and opportunities regardless of ethnic origin. All schools are funded by the Government of the Northwest Territories and, as such, are subject to the *Education Act* (<http://www.justice.gov.nt.ca/pdf/ACTS/Education.pdf>). School jurisdictions are required to use block funding provided by the Government of the Northwest Territories to ensure that students, regardless of their community of residence, receive the same standard of education across the territory.

### **Education for Aboriginal children, rural children and children at risk**

776. Two curriculum documents have been developed in the Northwest Territories to ensure that culturally appropriate instruction is infused across all subject areas, in all schools. Dene Kede, the curriculum from a Dene perspective, and Inuuqatigiit, the curriculum from an Inuit perspective, are foundational curricula designed to be the cornerstones of all subject areas and instruction in the classroom. Ongoing in-service training is provided to ensure that newly-hired staff members are well-informed about these curricula and understand their use.
777. Strategies addressing drop-out rates vary by school and school district but are always under consideration. Modified education plans allow students to progress from one grade to another with their same-aged peers while they work on curriculum that is relevant to their skills and abilities. Grade extensions have made it possible for rural students to complete grade 12 in their home community.
778. The *Inclusive Schooling Directive* provides direction on this practice. Inclusive schooling is both a belief and a practice where all children learn in their local schools in classes with students their own age. Inclusive schooling reflects good teaching and best practices such as cooperative learning, multi-level instruction, multiple intelligences, learning/teaching styles, and differentiated curriculum. Further details can be found at [www.newteachersnwt.ca/professional\\_advice2.html](http://www.newteachersnwt.ca/professional_advice2.html).

## **Child rights education**

779. The discipline and code of conduct strategies of schools in the Northwest Territories involve activities that educate all children about their rights and responsibilities within the school context.
780. The Grade 3 curriculum includes a “Learning Experience” (a grouping of Specific Learning Outcomes) entitled “Human Rights.”

## **Special protection measures (Articles 22, 30 and 32-40)**

### **Protection from economic exploitation**

781. The Northwest Territories *Employment Standards Act* ([www.justice.gov.nt.ca/PDF/ACTS/Employment\\_Standards.pdf](http://www.justice.gov.nt.ca/PDF/ACTS/Employment_Standards.pdf)) contains a number of provisions dealing with the employment of youth. Under the Act, “youth” is defined as a person 16 years of age or younger. The Act specifies the hours of labour a youth may work, and authorizes the Employment Standards Officer to request that an employer provide evidence that the employment of a youth will not likely be detrimental to his or her health, education or moral character.

### **Children in conflict with the law**

782. The Northwest Territories *Youth Justice Act* ([www.justice.gov.nt.ca/pdf/ACTS/Youth\\_Justice.pdf](http://www.justice.gov.nt.ca/pdf/ACTS/Youth_Justice.pdf)) came into force on April 1, 2004. The Act applies when a young person aged 12-17 is alleged to have committed an offence under a territorial statute or municipal by-law. The Act largely mirrors the federal *Youth Criminal Justice Act*. The Act requires police to consider alternative measures before charging a youth. These measures could include appearing before a community justice committee, meeting with an elder, warnings, cautions, referrals or formal sanctions. The Act also provides for ‘conferences’ that can be called by police or the Court Community. Family members, teachers and others can be called to a conference to provide input on how to deal with a youth accused of a territorial offence.
783. Corrections and probation officers are mandated to assess both physical and psychological needs in their case plans in order to help with the social reintegration of children who have been in conflict with the law. Alternative measures are available to police in an effort to keep children who commit non-violent minor offences away from the courts and correctional facilities.



## Yukon

### General Measures of Implementation (Articles 4, 42 and 44)

#### Child expenditures

784. Information on the Government of Yukon budget is available at [www.finance.gov.yk.ca/general/publications.html](http://www.finance.gov.yk.ca/general/publications.html).
785. A report on investment into early childhood development is available at [www.hss.gov.yk.ca/downloads/ecd\\_report03.pdf](http://www.hss.gov.yk.ca/downloads/ecd_report03.pdf).
786. Information on expenditures related to education is available at [www.education.gov.yk.ca/](http://www.education.gov.yk.ca/).

#### Data collection and dissemination

787. The Government of Yukon analyzes data as required and uses it to inform its decisions related to children. The *2006-2007 Department of Education Annual Report* containing relevant data analysis can be found on the Yukon Education web site under Publications, at [www.education.gov.yk.ca/publications.html](http://www.education.gov.yk.ca/publications.html).
788. A release of information is used to ensure effective sharing of data on children. A protocol on information-sharing within the Government of Yukon was established in 1993 and is used judiciously in order to balance the need to respect children's privacy with the need to provide services.
789. The Government of Yukon continues to strive to develop coordinated data collection and monitoring in order to implement the most effective measures to improve the situation of Aboriginal children. Some statistical indicators measuring testing with Aboriginal children have been made available in the *Yukon Education Annual Report* cited above.

#### Complaint mechanisms

790. The Yukon Ombudsman can hear complaints from children and their advocates for issues affecting them.

#### Promoting awareness and understanding of the Convention

791. On International Human Rights Day, December 10, 2008, the Yukon Human Rights Commission made available an information booklet on *Convention on the Rights of the Child* (produced by the Government of Canada) to members of the public and for school presentations.

## **General principles (Articles 2, 3, 6 and 12)**

### **Non-discrimination**

792. In December 2007, the Government of Yukon passed a *Safe and Caring Schools Policy* ([www.education.gov.yk.ca/policy/safe\\_schools.html](http://www.education.gov.yk.ca/policy/safe_schools.html)), which targets bullying, harassment, discrimination, intimidation or any unwelcome behaviour that degrades a person on the basis of personal characteristics, gender, sexual orientation, race or disability.

### **Best interests of the child**

793. In March 2007, a new policy was adopted that set out a process for working with Yukon First Nations when First Nation children are involved with child protection services.

## **Family environment and alternative care (Articles 5, 9-11, 18-21, 25, 27 and 39)**

### **Child care and support services**

794. The Government of Yukon increased funding by \$5 million dollars over five years to child care programs in 2007.

795. In 2005, funding for the Kids Recreation Fund increased by \$14,000. Additional information on the fund is available in Canada's Fifth Report on the *International Covenant on Economic, Social and Cultural Rights*.

### **Child and family benefits and other initiatives addressing child poverty**

796. In July 2004, the Yukon Child Benefit was increased to \$450 per year per child. Increases were also made in 2007. In addition, the Yukon Child Tax Credit and Yukon Child Tax Fitness Credit were introduced in 2007 ([www.gov.yk.ca/news/2007/07-201.html](http://www.gov.yk.ca/news/2007/07-201.html)).

### **Use of minor corrective force and alternatives to physical discipline of children**

797. Section 36 of Yukon's *Education Act* ([www.gov.yk.ca/legislation/acts/education.pdf](http://www.gov.yk.ca/legislation/acts/education.pdf)) states that "Corporal punishment shall not be used in the discipline of students." Each school develops its own school-based rules regarding discipline in the school.

## **Basic health and welfare (Articles 6, 18, 23, 24, 26 and 27)**

798. The Government of Yukon published the *Youth Smoking Survey* in 2005 ([www.hss.gov.yk.ca/news/2005/id\\_23/](http://www.hss.gov.yk.ca/news/2005/id_23/)).

799. The *Yukon Addictions Survey: Preliminary Results 2005* can be found online at [www.hss.gov.yk.ca/downloads/yas2005.pdf](http://www.hss.gov.yk.ca/downloads/yas2005.pdf).
800. New regulations regarding the safety of public drinking water were adopted in 2007 that apply throughout the Yukon ([www.community.gov.yk.ca/general/rpdwa.html](http://www.community.gov.yk.ca/general/rpdwa.html)).

### **Pregnancy and early childhood development**

801. In 2006, a prevention campaign on Fetal Alcohol Syndrome Disorder was implemented and funding was provided to the Fetal Alcohol Syndrome Society of Yukon for prevention programs. In 2007, funding was also provided to this organization for a program targeting high-risk women.

### **Aboriginal youth suicide prevention**

802. Critical incident response teams have been put in place and training has been provided so that they may better respond to community crises such as suicide. In 2007, rural mental health services were expanded and outreach van coverage increased to six nights per week.

### **Minimizing risks to adolescent health**

803. Youth were involved in the creation of innovative government education campaigns for youth on:
- Smoking and cessation programs;
  - Healthy eating (e.g. "Drop the Pop;" [www.hss.gov.yk.ca/programs/health\\_promotion/nutrition/drop\\_the\\_pop/](http://www.hss.gov.yk.ca/programs/health_promotion/nutrition/drop_the_pop/)); and
  - Risks related to sexually-transmitted diseases, alcohol, cannabis and crystal meth use.

### **Adequate housing**

804. The Government of Yukon and the Yukon First Nations work in a collaborative manner to identify joint housing priorities and develop solutions within their respective jurisdictions. The government supports First Nations in seeking Government of Canada funding for housing projects, supports capacity building initiatives and projects to assist First Nations in producing appropriate housing, supports the delivery of energy audits for First Nations, and provides social housing units (35 percent of which are occupied by First Nations tenants).
805. In 2004, the Government of Yukon implemented a new policy to exclude child support payment amounts received by social housing tenants (including First Nation citizens) when calculating tenant income for the purposes of calculating the rent amount for social housing tenants.

806. In 2007, a priority social housing policy was implemented for individuals leaving abusive relationships.

### **Education, leisure and cultural activities (Articles 28, 29 and 31)**

807. Within the frameworks of the *Western and Northern Canadian Protocol*, the British Columbia program of studies forms the basis of the Yukon curriculum. This curriculum is frequently adapted to reflect local needs and conditions and includes the program Making Space, Giving Voice ([www.bced.gov.bc.ca/irp/drafts/making\\_space\\_response\\_draft.pdf](http://www.bced.gov.bc.ca/irp/drafts/making_space_response_draft.pdf)).
808. This Kindergarten to Grade 12 program provides teachers with the opportunity to integrate awareness and understanding of diversity activities in their teaching. The program seeks to promote the achievement of social justice for all people, particularly in ensuring that people's backgrounds and contexts do not preclude them from achieving the full benefits of participation in society, and in addressing injustice.
809. The two objectives for this program are closely linked, as the achievement of social justice depends very much on citizens having an understanding of and appreciation for:
- the talents and accomplishments of individuals identified with each and every diverse group;
  - the ways in which some individuals or groups have been (or still are) treated unfairly by others; and
  - the extent to which all people have common physical and psychological needs (e.g. to be heard and to be treated with respect), regardless of the differences in their attributes, capacities or background.
810. Time allocation for the Humanities is 30 percent of a school day. During that time teachers may include and incorporate instruction on awareness campaigns, equity policies and human rights into various subjects.
811. The Yukon Teachers Association works in close cooperation with the Government of Yukon to enhance collaboration regarding education.
812. Additional information on Yukon education policies is available at [www.education.gov.yk.ca/policy/index.html](http://www.education.gov.yk.ca/policy/index.html).

### **Education for Aboriginal children, rural children and children at risk**

813. All educational services are available to children in the Yukon through outreach programs or through attending school in Whitehorse - the territory's capital. If a specific educational program is not offered in a remote Yukon community, high school students can make use of housing within Whitehorse to access the schools that offer that specific programming.

814. In August 2006, the Government of Yukon created a new unit under the Public Schools Branch - the First Nations Programs and Partnerships Unit (FNPPU). In 2007 and 2008, over \$5.2 million dollars was committed to supporting the FNPPU and First Nations initiatives in education. The FNPPU mandate is to:

- build productive relationships with First Nations;
- improve the results of First Nation students in the K-12 system; and
- work toward increased levels of cultural inclusion in Yukon schools.

### **Minority language education**

815. The Government of Yukon does not have a specific policy on availability of education in both official languages, however, section 56 in the *Education Act* states that “Students whose parents have a right under section 23 of the *Canadian Charter of Rights and Freedoms* to have their children receive an educational program in the French Language are entitled to receive that program in accordance with the regulations.”

### **Optional Protocol on the Involvement of Children in Armed Conflict**

816. Please see Canada's First Report on the *Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict* for measures in place, such as counselling and psychological support.

## Appendix 1 – Review of Jurisprudence

### Article 3(1): Best interests of the child

Canadian courts often mention or consider the best interests of the child with reference to the *Convention on the Rights of the Child* (CRC). The principle most often arises in the immigration context where the courts have noted that the best interests of the child are an important but not the only consideration. Cases where the best interests of the child have been mentioned or considered include:

- *Munar v. Canada (Minister of Citizenship and Immigration)*, [2006] 2 F.C.R. 664 at para. 34.
- *Su v. Canada (Minister of Citizenship and Immigration)*, [2004] F.C.J. No. 1081 at paras. 7, 10, 13.
- *Bonil Acevedo v. Canada (Minister of Public Safety and Emergency Preparedness)*, [2007] F.C.J. No. 556 at para. 24
- *Touchan v. Canada (Minister of Citizenship and Immigration)*, [2005] F.C.J. No. 1616 at para. 14
- *Varga v. Canada (Minister of Citizenship and Immigration)*, [2007] 4 F.C.R. 3 at para. 13.
- *Allen v. Canada (Minister of Citizenship and Immigration)*, [2007] F.C.J. No. 8 at para. 17.
- *Mauricette v. Canada (Minister of Public Safety and Emergency Preparedness)*, [2008] F.C.J. No. 512 at para. 27.
- *Sandhu v. Canada (Minister of Citizenship and Immigration)*, [2007] F.C.J. No. 204 at para. 23.
- *Sahota v. Canada (Minister of Citizenship and Immigration)*, [2008] F.C.J. No. 157 at para. 21 (refers to *Varga, supra*).
- *Kisana v. Canada (Minister of Citizenship and Immigration)*, [2008] F.C.J. No. 429 at para. 22.
- *Rimoldi v. Canada (Minister of Citizenship and Immigration)*, [2003] F.C.J. No. 1877 at para. 6.
- *David v. Canada (Minister of Citizenship and Immigration)*, [2007] F.C.J. No. 740 at para. 12.
- *Children's Aid Society of Toronto v. S.A.C.*, [2005] O.J. No. 2154 at para. 139.
- *Protection de la jeunesse- 072821*, [2007] Q.J. No. 14184 at para. 64.

### Article 7: Right to be registered under a name, acquire nationality and to know one's parents

*M.D.R. v. Ontario (Deputy Registrar General)* (2006), 81 O.R. (3d) 81: This case involved an application by several lesbian parents to include both parents on each child's Statement of Live Birth. The applicants' children were conceived through artificial insemination. The Ontario Superior Court of Justice concluded that the birth registry provisions of the *Vital Statistics Act*, the text of which used the terms "mother" and "father", unjustifiably infringed the applicants' equality rights under section 15 of the *Canadian Charter of Rights and Freedoms* (the Charter).

The declaration of invalidity was delayed for one year to allow the legislature to remedy the constitutional defects.

### **Article 8: Right of the child to preserve his/her identity**

*Ontario v. Marchand* (2006), 81 O.R. (3d) 172: This case involved an applicant who was adopted at five months of age and whose adoption was finalized when she was one year old. As an adult, she began her search for her birth parents. She discovered that her mother had passed away and her father's identity remained uncertain. However, the information gathered at the time she had become a Crown ward, the process by which she became eligible for adoption, contained the name of a man identified as her father. She was denied the name by the Registrar under the *Child and Family Services Act*. The applicant claimed this violated her section 7 (liberty, security) and section 15 (equality) rights under the Charter. The Ontario Superior Court of Justice dismissed the application. The applicant relied on the CRC, but the Court found that the terms of the CRC did not establish a breach of the applicant's right to liberty. The Court stated that: 1) the CRC did not establish an unfettered right of access to identifying personal information of third parties who are not the legal parents of the child; 2) the CRC did not supersede the express enactments of the legislature; 3) as the Supreme Court of Canada established in *Canadian Foundation for Children, Youth and the Law* (discussed *infra*), a child's best interest was not a principle of fundamental justice; and 4) the applicant did not have the standing to assert the rights of a child.

*H.R.C. v. S.M.H.*, [2003] N.S.J. No. 393: This case involved a Consent Order that was previously granted which declared H.C. as the natural father of S.M.'s child. Thus, H.C. was to make child support payments. H.C. fell behind on his payments. At first, he had conceded that he was the child's father; however, H.C. was now asking for a DNA test to be done as he argued it was in the child's best interests to know the identity of her father. The Nova Scotia Family Court ruled that H.C.'s doubts as to paternity were genuine and a DNA test was appropriate. However, the arrears for the missed payments were not to be forgiven and the support payments were not to be suspended while the testing was being done.

### **Article 9: Right not to be separated from parents**

*Martinez v. Canada (Minister of Citizenship and Immigration)*, [2003] F.C.J. No. 1695: This case involved an application for a stay of a removal order pending a determination on an application by the applicant for landing in Canada on humanitarian and compassionate (H&C) grounds. The Federal Court found that it was a child's human right to know and be cared for by his or her parents. The Court noted that immigration law must be applied consistently with the CRC. Nevertheless, nothing in the CRC prohibited Canada from separating children from their parents in situations where the parents had no legal status in Canada. Yet, in this case, until the H&C application was determined, the Court found that the balance of convenience favoured the Applicant and it stayed the removal order.

*Worthington v. Canada (Minister of Citizenship and Immigration)*, [2004] F.C.J. No. 1879: This case involved an application by Duane Worthington and his adoptive mother for judicial review of a decision of the Minister denying Duane's application for citizenship, which would have allowed him to serve the remainder of his 35-year sentence in British Columbia instead of an

American prison. Duane was adopted in 1962 by two Canadian citizens residing in the United States. Neither of his adoptive parents ever acquired American citizenship. Although Duane's parents intended to relocate to British Columbia for several years, they had not as Duane was serving a 35-year sentence in Wisconsin. Mr. Worthington passed away, and Mrs. Worthington wished to move to British Columbia. In order for Duane to be eligible for a prison transfer to Canada where his mother wanted to move, he would have to be a Canadian citizen. However, in 2003, his application for Canadian citizenship was refused. The applicant requested an order of mandamus forcing the Minister to grant him citizenship as he claimed the *Citizenship Act* discriminated between adopted and natural children of Canadians. The Federal Court refused the mandamus but quashed the decision of the Minister. The matter was sent back to the Minister for redetermination. The appeal to the Federal Court of Appeal was dismissed ([2006] F.C.J. No. 112).

### **Article 10: Right to reunification of parent and child**

*De Guzman v. Canada (Minister of Citizenship and Immigration)*, [2006] 3 F.C.R. 655: In this case, the appellant argued that section 117(9)(d) of the *Immigration and Refugee Protection Regulations* infringed her rights under section 7 of the Charter by preventing the reunification of parent and child. This provision limited sponsorship rights in particular circumstances to deter visa applicants from misrepresenting certain facts or withholding information about their dependants, including their children. The Federal Court of Appeal found that this provision did not violate the Charter when considered with the other provisions of the *Immigration and Refugee Protection Act*. The appellant did not provide evidence of any special hardship or psychological stress that she was suffering as a result of the separation. The appellant was not a refugee or person in need of protection so she could reunite with her children in the Philippines should she choose to do so. The provision did not make the Act non-compliant with any international human rights instrument to which Canada was a signatory.

### **Articles 12 and 3(1): Right of the child to express views on matters affecting him/herself and the best interests of the child**

*Manitoba (Director of Child and Family Services) v. A.C.* (2007), 212 Man.R. (2d) 163: This case involved an appeal by A.C., a 14 year-old girl, and her parents from a decision allowing the Director of Child and Family Services' application for a treatment order. A.C. was a Jehovah's Witness and believed that one of God's commandments was that she not receive blood. After being contacted by the hospital, the Director decided that A.C. was a child in need of protection. The judge at first instance took into account the advance medical directive executed by A.C. earlier that year (containing her written instructions not to be given blood transfusions under any circumstances) but concluded that it was in her best interests to receive a transfusion as her life was in grave danger. The appeal was denied by the Manitoba Court of Appeal. Under the *Child and Family Services Act*, 16 is the presumptive age at which a minor is entitled to make decisions with regards to the medical treatment they receive. Although A.C.'s section 2(a) Charter rights (freedom of conscience and religion) were violated, the Court found this violation was justified under section 1 of the Charter. The process contemplated by the legislation was carefully crafted and ensured the flexibility to adapt itself to various situations. This legislation



represented a fair balance between the rights of the individual and the State. The appeal to the Supreme Court of Canada was heard on May 20, 2008, and judgment is now reserved.

*Manalang v. Canada (Minister of Public Safety and Emergency Preparedness)*, [2007] F.C.J. No. 1763: This case involved an application for judicial review of a decision dismissing the applicant's appeal from exclusion orders for her and her children on the basis of inadmissibility to Canada based on misrepresentation. The applicant argued, amongst other things, that the Immigration Appeal Division did not properly consider her children's best interests and did not take the views of her children into consideration. The applicant argued that these oversights were in breach of Canada's obligations under the CRC. The Federal Court dismissed the application. The minors were represented and it was the representative's role to disclose their interests and views. Moreover, the best interests of the child are but one factor to take into consideration.

*N.S. (Litigation Guardian of) v. Yukon (Director of Family and Children's Services)*, [2004] Y.J. No. 40: This case involved an appeal by the Child Advocate on behalf of N.S. from a Permanent Care and Custody Order. N.S. was a 16-year-old in the custody of the Director of Family and Children's Services as she had been diagnosed with mental disorders and suffered from substance abuse problems. No one objected to N.S. remaining in the care of the Director. However, the issue was that a full oral hearing had not been conducted and N.S. had not been given the opportunity to express her point of view. The Yukon Supreme Court ruled that the case should be returned for a full hearing to ensure N.S.' best interests would be considered.

*Nova Scotia (Minister of Community Services) v. S.C.P.*, [2006] N.S.J. No. 567: The issue in these child protection proceedings was whether the child in question (12 years old) should be given the opportunity to consult and retain counsel independently. The Nova Scotia Family Court recalled that under the *Children and Family Services Act*, a 12-year-old is a party to the proceedings, is entitled to be directly represented or represented by a guardian, and is entitled to receive formal notice of the proceedings. If a child of 12 years of age or older is incapable of instructing counsel, a guardian *ad litem* may be appointed for her or for him. The CRC also provides that children have the right to participate in judicial and administrative proceedings which affect them. In this case, the Court was not prepared to sacrifice the child's right to representation (even though it was late in the proceedings) for the sake of convenience or expediency, as the potential consequences for the child were substantial. The Court directed the Minister of Community Services to immediately assist the child with arrangements to consult with independent legal counsel. If it were determined by independent counsel that the child was unable to instruct counsel and to receive advice, further directions could be sought upon notice by the Minister to this effect to the court and to the other parties.

### **Articles 18 and 27: Responsibilities of the parents in the development of the child and the right of the child to an adequate standard of living**

*R. v. R.D.* (2005), 39 Alta. L.R. (4th) 187: This case involved an accused minor, R.D., who was charged with breaking and entering as well as theft. R.D. had been kicked out of his house by his father and told he did not have permission to come into the house. R.D. was invited back inside the house several times in order to eat. However, on the day in question, R.D. entered his father's home through a window. The only items taken were groceries. The Alberta Provincial Court

acquitted R.D. of the charge. As his father had not taken the steps to legally dissolve his obligations to provide R.D. with the necessities of life, R.D. had a legal right to be in the home and eat the food there.

### **Article 19: Protection from violence and abuse**

*Canadian Foundation for Children, Youth and the Law v. Canada (Attorney General)*, [2004] 1 S.C.R. 76: In this case, the Supreme Court of Canada upheld the constitutionality of section 43 of the *Criminal Code*, which provides a defence for children's parents, caregivers and teachers who would otherwise be found guilty of a criminal offence for a minor use of reasonable force in correcting children's behaviour. The section was found to be consistent with Canada's obligations under the CRC. Taking into account, among other things, Canada's obligations under the Convention, the Court set out guidelines that allow only minor corrective force of a transitory and trifling nature to be used. The Supreme Court noted that without section 43, Canada's broad assault law would criminalize force falling short of what would be considered corporal punishment and would risk breaking up families in a way that would be detrimental to children.

*R. v. J.W.*, [2007] B.C.J. No. 468: This case involved an application by the Crown for A.W. to testify outside of the courtroom via closed circuit television in a case of alleged sexual assault against her father, J.W. J.W. argued that the judge had the initial discretion to decide which testimonial aid was used. The British Columbia Provincial Court noted that Canada's ratification of the CRC required it to protect children from all forms of sexual abuse. It was within the right of the prosecutor and/or A.W. to choose the testimonial aid that was best for her, subject to the judge's residual discretion based on the proper administration of justice.

*V.S. v. Alberta (Director of Child Welfare)* (2004), 38 Alta. L.R. (4th) 143: This case involved an appeal by the parents of four children of a Permanent Guardianship Order. The family had a long history of dealings with Child Welfare. In July 2001, the Child Welfare Supervisor contacted Child Welfare due to concerns over the poor living conditions of the family home. The Children At Risk Response Team, comprised of a police officer and child welfare worker, entered the home shortly thereafter, and made an emergency apprehension of the children in light of the unsanitary environment in which they found the dwelling. Even though the search was found to be unlawful and in breach of section 8 of the Charter, the Alberta Court of Queen's Bench was sensitive to the vulnerability of children and held that their apprehension in the circumstances was not inappropriate. The protection of the children's lives and health took priority over the parents' rights to freedom from State intervention.

### **Articles 20 and 1: Right to alternative care when cannot be within own family and definition of "child"**

*J.S. v. Nunavut (Minister of Health and Social Services)*, [2006] Nu.J. No. 22: This case involved an application for an order declaring a section of the *Child and Family Services Act (Nunavut)* as violating the right to equality in section 15 of the Charter. J.S. had been a ward of the State since the age of 7 and been in and out of youth detention centers. Upon being released from a detention center at the age of 17, the Director of Child and Family Services could not find a place for him to live as no services were available. The Nunavut Court of Justice held that the

common thread of the preamble to the *Youth Criminal Justice Act*, the CRC, and Canada's *Statement of Understanding* regarding a provision of the CRC, was that youth up to the age of 18 should receive special attention, guidance and support, basic rights and freedoms, respect for language and culture, and a base standard of living. As J.S. was between 16 and 18 years of age, his language and cultural needs were important considerations. Even though the applicant had turned 18 at the time of the hearing and was therefore no longer eligible for services under this Act, the Nunavut Court of Justice decided to exercise its remedial discretion and gave reasons for a judgement. It found that the Act drew a distinction between youths under 16 and those between 16 and 18 years of age. The services available to the youths between the ages of 16 and 18 were significantly reduced compared to those provided for other age groups. Thus, this legislation was discriminatory and should be remedied. The Court suggested that the Government of Nunavut consider the appropriate legislative provisions for the care of young people between the ages of 16 and 18. If this was not done within the year, the Court offered to consider reading into the legislation the appropriate provisions.

### **Article 21: Obligation of states in adoptions**

*In the Matter of X*, [2006] R.J.Q. 2513: This case involved a motion brought by the Director of Youth Protection to declare the security and development of child X in danger, because of the adoptive mother's lifestyle and alcohol abuse. The child, of Inuit ancestry, was adopted through a private agreement (also called a traditional adoption in Inuit culture and many other Aboriginal communities). The Court of Québec (Youth Division) noted that the Director of Youth Protection does not intervene in this process of traditional adoption, contrary to international and national standards. The Director therefore does not determine whether the rights of the child were respected and whether the traditional adoption was in his or her best interest. The Court ordered the foster care of child X in a foster family for a period of 24 months. On the issue of traditional adoptions, the Court stated that the best interests of the child remained the paramount consideration no matter the process of adoption. Thus, the Court recommended that these private agreements be submitted to the Director of Youth Protection prior to their enforcement.

### **Article 23: Rights of a child with a mental or physical disability**

*R. v. D.B.* (2004), 252 Sask.R. 1: The issue in this case was the appropriate disposition under the *Criminal Code* for D.B., who was a young person with partial Fetal Alcohol Syndrome who had been designated unfit to stand trial by reason of mental disorder. This case was somewhat unusual as D.B. would never become fit to stand trial. D.B. was alleged to have touched a neighbour's daughter (4 years old) and was charged with sexual assault. The CRC provides for the rights and for special dispositions for children with disabilities, as appropriate to their well-being and proportionate to their particular circumstances and offences. These normative principles are relevant for the interpretation of sections 7 and 15(1) of the Charter, which the Saskatchewan Provincial Court found were breached in this case. The Crown did not present any evidence or argument on justification under section 1 of the Charter, so the Court considered remedies. D.B.'s foster family was found to be able to meet his needs and he did not pose a public risk. D.B. received an absolute discharge.

### **Article 30: Right of minority or indigenous children to enjoy their culture, religion and language**

*R.T. (Re)* (2004), 259 Sask. R. 122: This case involved a hearing for Aboriginal children under protective services. The Department of Community Resources and Employment had adopted a policy whereby Aboriginal children would only be placed for adoption with the consent of the band. The band had refused consent to the adoption of the children by non-Aboriginal families. The children had been residing with foster families for a long time. The counsel for the children argued that this policy violated sections 7 and 15(1) of the Charter and was therefore invalid. The Saskatchewan Court of Queen's Bench (Family Law Division) held that some of the children should be placed for adoption because it was in their best interests. The point of the policy was to give Aboriginal communities a "voice" in the placement of their children, but "adoption" and "the ability of children to maintain their culture" were not mutually exclusive concepts. The children would not lose their Indian status upon being adopted. Moreover, there was potential for serious harm if they continued to remain in the foster system.

### **Article 34: Protection from sexual abuse and exploitation**

*R. v. Innes*, [2007] A.J. No. 964: This case involved the sentencing of the accused after he pleaded guilty to two counts of luring a child, two counts of extortion and one count of counseling the making of child pornography. The Alberta Provincial Court considered various mitigating and aggravating factors and sentenced the accused to six years minus two weeks of imprisonment. The offences were planned and deliberate. Furthermore, the offences took place while the complainants were in their homes (via the internet) which should have been a secure environment. In its judgment, the Court noted that Parliament considered protecting children from sexual exploitation and sexual abuse an important objective when it ratified the CRC. The Alberta Court of Appeal dismissed the appeal and confirmed the sentence ([2008] A.J. No. 346).

### **Article 37(b): Arrest, detention and imprisonment**

*R. v. C.D.*; *R. v. C.D.K.*, [2005] 3 S.C.R. 668: At issue in this case was the proper definition of the term "violent offence" under the *Youth Criminal Justice Act*. C.D. and C.D.K., two youths, were eligible for custodial sentences as they had been found guilty of violent offences by Alberta courts. The Supreme Court of Canada stated that "violent offence" should be given a narrow interpretation as this classification was determinative of whether one should receive a custodial sentence. In this case, the custodial sentences were quashed and both matters remitted to the youth courts so that appropriate sentences could be determined.

*R. v. B.W.P.*; *R. v. B.V.N.*, [2006] 1 S.C.R. 941: This case involved two young persons who had committed violent crimes and had pleaded guilty, to manslaughter in one case and aggravated assault causing bodily harm in the other case. These two appeals raised the same question of statutory interpretation: whether general deterrence was a factor to be considered in sentencing a young person under the *Youth Criminal Justice Act* (YCJA). The Supreme Court of Canada held that under the YCJA, general and specific deterrence were not factors in determining sentences. The Court recalled that in general, the provisions of the *Criminal Code* for sentencing do not apply to young offenders. Accordingly, nothing prevented a court from using its discretion and

imposing custody and supervision orders on a young person that were different from those for the same offences under the *Criminal Code*.

*R. v. J.R.L.* (2007), 254 N.S.R. (2d) 344: This case involved an appeal by the Crown from a sentence for a 17 year-old who had pleaded guilty to a series of offences related to a violent home invasion. After considering the evidence, the trial judge had concluded that despite the horrendous nature of the crime, the young offender had a high probability of being rehabilitated. The trial judge sentenced the young offender to six months of deferred custody and 18 months of probation. While this sentence was viewed as extraordinary and even exceptional, the Nova Scotia Court of Appeal decided it should stand, as the trial judge applied the appropriate principles of sentencing according to the *Youth Criminal Justice Act*.

*R. v. J.N.N.*, [2005] B.C.J. No. 1220: This case involved an application by the accused, J.N.N. (a young person), for a stay of proceedings due to delay. The applicant alleged that this delay caused her prejudice and violated her section 7 and 11(b) Charter rights. However, the applicant did not indicate that she wanted a speedier trial in her nine court appearances. It was inferred from the applicant's inaction that she waived the post-charge delays. The British Columbia Provincial Court found there was insufficient evidence to warrant a stay of proceedings. The applicant did not establish that she suffered prejudice as a result of the delay. The application was dismissed.

*R. v. X.*, [2006] J.Q. No. 1721: This case involved the sentencing of a young person convicted of aggravated assault (stabbing) and of possession of a weapon. The defence had suggested six months of deferred custody and supervision based on the pre-sentence report. The Québec Court (Youth Division) sentenced X to 12 months of secure custody, six months of supervision in the community, and six months of probation. This sentence was justified because of the serious nature of the offence, the high degree of violence and lack of empathy shown by the accused. Thus, a secured placement was favoured for the protection of the youth and also of society.

### **Article 40(1): Accused to be treated with dignity and worth**

*R. v. R.C.*, [2005] 3 S.C.R. 99: This case involved an appeal by a 13 year-old (R.W.C.) from imposition of a DNA order. R.W.C. assaulted his mother and pleaded guilty. Even though courts are authorized under the *Criminal Code* to take DNA samples for certain offences, the trial court applied one of the exceptions noted in the Code to decline to issue the DNA order against R.W.C. This ruling was then overturned by the Nova Scotia Court of Appeal. The Supreme Court of Canada found that R.W.C.'s appeal should be allowed, as the trial court's ruling was reasonable in these particular circumstances. The trial judge properly took into consideration the underlying goals of the youth criminal justice system to extend enhanced procedural protections to young persons, and to minimize interference with their personal freedom and privacy (in keeping with Canada's international obligations under the CRC).

### **Articles 40(1)(i) and (vii): Right to be presumed innocent and right to privacy**

*R. v. D.B.*, [2008] 2 S.C.R. 3: This case involved D.B., a 17-year-old, who pleaded guilty to manslaughter. This offence was a presumptive one under the *Youth Criminal Justice Act*, thereby

placing a reverse onus on a youth to demonstrate why he or she did not deserve an adult sentence and to show why an ongoing publication ban was appropriate. The majority of the Supreme Court of Canada found that the reverse onus provisions unjustifiably violated section 7 of the Charter. The presumption of an adult sentence infringed the principle of fundamental justice protected by section 7 that young people are entitled to a presumption of diminished moral culpability.

**Article 40(2)(b)(ii): Right to legal assistance**

*R. v. S.S.*, [2007] O.J. No. 2552: In this case, the Crown was appealing a sentence from S.S.'s acquittal on charges of robbery and use of a disguise in the commission of the offence. S.S. was a young person, and the primary issue on appeal was the admissibility of his statement to the police upon arrest. The *Youth Criminal Justice Act* (YCJA) required the police to tell S.S. that any statement had to be taken in the presence of a lawyer or adult with whom S.S. had consulted, unless S.S. desired otherwise. Although the police had informed S.S. that he had the "right" to have a lawyer, or other specified adult with whom he consulted, present when he gave his statement, the trial judge found that this information was not in accordance with the requirements put on the police by the YCJA. The Ontario Court of Appeal confirmed the trial judge's reasoning and dismissed the appeal. There was an important distinction drawn between a "right" of a young person on the one hand and a "requirement" put on the police on the other. Protecting young people because of their lack of maturity and in light of their susceptibility to yield to authority were valid purposes recognized by the YCJA.

## Appendix 2 – Public Consultations

Federal, provincial and territorial governments routinely consult with youth and civil society on policies and initiatives that relate to the provisions of the *Convention on the Rights of the Child*. The following are examples of consultations conducted during the period of the present report. This list is not exhaustive.

| Policy/initiative/issue   | Date of Consultation            | Method  |
|---|---------------------------------|---|
| <b>Government of Canada</b>   |                                 |   |
| Internationally-focused initiatives   | 2001-2008<br><br>June 1-3, 2005 | Five pilot projects that integrated the participation of young people in all phases of the project cycle.<br><br>North American Regional Consultation to the UN Secretary-General's Study on Violence Against Children: Regional consultation, including over 200 individuals from government, civil society from across Canada and the USA – including involvement of some 360 children through focus group discussions. |
| Consultations on the Settlement and Language Training Services Needs of Newcomers   | 2006                            | Newcomer focus groups. These consultations were held under the Canada-Ontario Immigration Agreement. Youth were specifically targeted as a group for their input.   |
| <i>1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children (1996 Convention)</i> | June-October 2007               | The federal-provincial/territorial Coordinating Committee of Senior Officials – Family Justice consulted with Family Law lawyers across Canada on implications of Canada's possible implementation of the 1996 Convention.  |
| The Centre of Excellence for Youth Engagement (CEYE)  | Ongoing                         | The Government of Canada funds the CEYE, which promotes youth engagement in the development of relevant policy initiatives that affect them.  |

| <b>Policy/initiative/issue</b>   | <b>Date of Consultation</b> | <b>Method</b>  |
|--|-----------------------------|--|
| Government of Canada – NGO Forum on Children and Armed Conflict                  | Ongoing                     | Joint forum that provides an information-sharing venue and catalyst for Canadian initiatives on the issue of children in armed conflict.   |
| <b>Government of Newfoundland and Labrador</b>                                   |                             |  |
| <i>Reducing Poverty in Newfoundland and Labrador: Working Towards a Solution</i> | June - November 2005        | Public input was solicited through workshop sessions and focus groups with various groups including community, business, and labour groups, organizations focused on poverty or with particular expertise, and individuals living in poverty, including youth at risk. A toll-free line was established and e-mail submissions accepted. |
| Education initiatives  | 2006                        | The Individual Support Services Plan (ISSP) and Pathways Commission sought public input on the “Pathways to Programming and Graduation” component of the ISSP through focus groups and surveys.  |
| <i>Youth Retention and Attraction Strategy</i>                                   | 2008                        | Youth Dialogue Sessions were held throughout the province to obtain the perspectives and ideas of youth on what is needed to make Newfoundland and Labrador a province of choice in which to live and work.  |
| <b>Government of Prince Edward Island</b>  |                             |  |
| Task Force on Student Achievement  | May 2005                    | Five public meetings were held.  |
| Employment Standards Review Panel  | January - September 2006    | The consultation process included Submissions were invited and public hearings were held.  |
| <i>Youth Substance Use &amp; Addictions Strategy</i>                             | December 2007               | Three public forums were held.   |
| <i>Child Protection Act</i>  | February - March 2008       | Six public meetings were held.   |



| <b>Policy/initiative/issue</b>  | <b>Date of Consultation</b> | <b>Method</b>  |
|---|-----------------------------|--|
| <b>Government of Nova Scotia</b>  |                             |  |
| Review of Child Welfare Services  | 2004                        | A representative working group and a survey of key stakeholders  |
| Child Welfare Steering Committee - Improving Services for Children and Families   | 2005-2007                   | The consultation process included focus groups with child welfare practitioners, community boards and other key stakeholders; a call for written submissions from interested parties; comments from interested members of the general public through a web site; and a toll-free telephone line.                     |
| <i>Poverty Reduction Strategy Working Group</i>   | 2007-2008                   | Public consultations were held between November and March 2008.  |
| Minister's Advisory Committee on the <i>Children and Family Services Act</i> and <i>Adoption Information Act</i>                                      | November 2005 - May 2008    | The Advisory Committee held 27 meetings over a 23-month period. During the spring and summer of 2006, a campaign sought feedback from the community in writing or personal presentations to the Committee.   |
| <b>Government of New Brunswick</b>  |                             |  |
| Inclusive Education   | 2006                        | A public forum was held that provided key elements for an action plan.   |
| <b>Government of Québec</b>   |                             |  |
| Public consultations on the reconciliation of work and family life  | June 16, 2004               | The document entitled <i>Vers une politique gouvernementale sur la conciliation travail famille</i> was made public.<br><br>The government released the policy entitled <i>Pour que l'égalité de droit devienne une égalité de fait</i> in December of 2006.   |
| The government held public consultations on the document entitled <i>Vers un nouveau contrat social pour l'égalité entre les femmes et les hommes</i> | 2005                        | Through these consultations, the Commission des affaires sociales received 107 briefs and heard the views of 75 groups. Following the consultations, the government released, on December 17, 2006, its public policy on gender equality, entitled <i>Pour que l'égalité de droit devienne une égalité de fait</i> . |

| <b>Policy/initiative/issue</b>  | <b>Date of Consultation</b> | <b>Method</b>  |
|---|-----------------------------|--|
| Public consultations on the bill concerning educational child care services   | Fall 2005                   | Almost 200 briefs were submitted and approximately 40 groups had their views heard through the consultations.  |
| <b>Government of Ontario</b>  |                             |  |
| Developing a Youth Outreach Program - part of the Government of Ontario broader <i>Youth Opportunities Strategy</i> | March - September 2006      | Meetings were conducted with service providers and selected youth groups receiving mental health services in order to build relationships with hard-to-reach youth in "at-risk" neighbourhoods, provide advice, advocate on behalf of youth and connect them to appropriate services.  |
| Models of Excellence for Youth – Provincial Congress  | March 2007                  | A Models of Excellence for Youth - Provincial Congress brought together Government of Ontario officials, researchers and other stakeholders from across Ontario and Canada to share and compare models of excellence in community programming for at-risk youth and youth in conflict with the law.                            |
| <i>Review of the Roots of Youth Violence</i>  | June 2007                   | The Review visited eight neighbourhoods in five cities across Ontario, consulted with provincial organizations and commissioned research papers. The Review met with or received written submissions from more than 750 individuals. The Review also received more than 5,000 responses to its online survey.                  |
| <i>Aboriginal Engagement Initiative Summary Report</i>  | 2006 and 2007               | Numerous region-specific group sessions were conducted across Ontario during the summer of 2006, to identify opportunities for new and enhanced partnerships to better support Aboriginal youth in, or at risk of being in, conflict with the law. Broader consultations were conducted with communities/stakeholders in 2007. |

| <b>Policy/initiative/issue</b>   | <b>Date of Consultation</b> | <b>Method</b>   |
|--|-----------------------------|---|
| Establishment of new Autism Spectrum Disorders (ASD) Respite Services initiative: Understanding the needs of the Community and Families of Children with ASD | August - September 2007     | Community consultations included parents of children with ASD as well as service providers. Consultation activities included face-to-face meetings, focus groups, individual consultations and parent surveys.  |
| <b>Government of Manitoba</b>  |                             |   |
| Aboriginal Justice Inquiry/Child Welfare Initiative  | August 2001 - April 2003    | This process included a series of Town Hall meetings as well as written submissions from the public. Any member of the public was allowed to provide feedback into the process of the devolution of child welfare in Manitoba.  |
| Integrated Service Delivery - to inform the creation of the Community Engagement Framework   | October and December 2007   | The consultation included five community focus groups made up of community advocates, community women, Aboriginal community members, people living in poverty, rural and Francophone community representatives, as well as members from the disability community.   |
| <i>Manitoba Strategy Responding to Children and Youth at Risk of, or Survivors of, Sexual Exploitation</i>   | 2008                        | Two community summits were held and included representatives from community organizations, Aboriginal groups, government agencies, as well as youth who had experienced sexual exploitation.  |
| Child issues and priorities  | Six times annually          | The Healthy Child Manitoba Provincial Advisory Committee, chaired by a community volunteer, consults with civil society   |
| Manitoba Child Care Program Regulatory Review Committee  | Regularly                   | The committee, made up of parents, child care providers (group, rural, urban, family, Francophone, Aboriginal), labour, Manitoba Child Care Association, and other government and non-governmental organizations with interests in child care, meets to discuss child care issues, review and advise on child care regulations, prioritize direction and outcomes for the |

| <b>Policy/initiative/issue</b>  | <b>Date of Consultation</b> | <b>Method</b>  |
|---|-----------------------------|--|
|   |                             | Manitoba Child Care Program, and develop a vision for ongoing growth and development of Early Learning and Child Care in Manitoba.   |
| <b>Government of Saskatchewan</b>   |                             |  |
| The Memorandum of Understanding on cooperation with Federation of Saskatchewan Indian Nations   | 2003; ongoing               |  |
| Caring and Respectful Schools Policy; Community Schools Program and Policy (revised); Empowering High Schools Policy                      | 2004                        |  |
| Early Learning and Child Care Consultations   | 2004                        |  |
| PreKindergarten to Grade 12 Curriculum renewal processes  | 2006; ongoing               |  |
| Early Childhood Intervention Programs   | Ongoing                     |  |
| KidsFirst Policy and program  | Ongoing                     |  |
| Human Services Integration Forum (HSIF)   | Ongoing                     | The HSIF addresses the needs of the most vulnerable, building on the strengths of individuals, families and communities and increasing capacity to contribute to the social and economic health of the people of Saskatchewan. |
| Provincial programs, initiatives and policy in Aboriginal Education.  | Ongoing                     | The First Nations and Métis Education Provincial Advisory Committee makes recommendations.   |
| <b>Government of Alberta</b>  |                             |  |
| Alberta Roundtable on Family Violence and Bullying: To develop recommendations for an action plan to address family violence and bullying | May 7, 2004                 | Face-to-face discussions took place with victims of family violence and bullying, experts, community organizations, Aboriginal peoples, and youth. More than 3,500 participants attended.                                      |

| <b>Policy/initiative/issue</b>  | <b>Date of Consultation</b> | <b>Method</b>   |
|---|-----------------------------|---|
| World Conference on Prevention of Family Violence: To share promising practices in family violence in the areas of prevention, intervention, and support and follow-up. | October 23-26, 2005         | A diverse group of international leaders, researchers, policy and program experts, and youth were invited to the World Conference. More than 1,200 delegates, presenters, observers and volunteers from 30 countries on six continents attended the World Conference. |
| International Policy Forum: To build a common framework for action in follow-up to the World Conference on Prevention of Family Violence 2005                           | November 1-2, 2006          | Face-to-face discussions took place with 105 invited international leaders, researchers, policy and program experts, and youth.   |
| <b>Government of British Columbia</b>   |                             |   |
| Early Childhood Development, Child Care   | 2003 – Present              | Children, families, school districts and community organizations provide input on services. Aboriginal communities participate in planning for services to their peoples.   |
| Child and Youth Mental Health Program Planning  | 2003 – Ongoing              | This plan has been developed and implemented with collaborative regional and community planning processes.  |
| Children and Youth with Special Needs Consultative Meetings   | 2003 – Present              | Services are informed by consultations with staff, families, community service providers and others.  |
| Safe Care Consultation  | 2004                        | Public and stakeholder consultations were held on protecting youth at very high risk. Results led to increased focus on voluntarily-accessed services.  |
| Early Learning and Child Care (ELCC)  | 2005                        | Public consultations gathered input across the province on how to invest ELCC funding.  |
| WorkSafeBC - minors and hazardous work.   | April 2006 - December 2007  | Public hearings were held prior to the regulatory amendments for young and new workers being implemented in 2007.   |

| <b>Policy/initiative/issue</b>                          | <b>Date of Consultation</b>   | <b>Method</b>   |
|---|-------------------------------|---|
| <b>Government of Nunavut</b>                            |                               |   |
| <i>Youth Development Strategy</i>                       | 2003                          | Workshops and meetings were held to consult with local youth and elder committees to frame the development of a Youth Development Strategy that would be guided by youth and respond to their particular challenges and issues. |
| <i>Education Act</i>                                    | 2005                          | Public consultations on the <i>Education Act</i> were held through community visits and workshops. A discussion paper and brochure were distributed in newspapers and the community meetings to guide discussion.               |
| <b>Government of Northwest Territories</b>              |                               |   |
| Northern Strategy Youth Consultation Session            | April 22, 2005                | In-person meetings were held.   |
| Amendments to <i>Maintenance Orders Enforcement Act</i> | August – December 2007        | The consultation process included online information and an invitation to contact the government.   |
| Regulations under the <i>Employment Standards Act</i> . | November 2007 – February 2008 | A consultation paper was provided.  |
| <b>Government of Yukon Territory</b>                    |                               |   |
| <i>Children's Act</i>                                   | 2003 to 2007                  | An extensive multi-phased consultation took place.  |

## Appendix 3 – Provincial and Territorial Children's Advocates

|  |  |
|--|--|
| <b>Newfoundland and Labrador</b>   |  |
| <p>Child and Youth Advocate</p> <p><a href="http://www.childandyouthadvocate.nl.ca">www.childandyouthadvocate.nl.ca</a></p>                                      | <p>The Office of the Child and Youth Advocate is an independent Office of the House of Assembly of Newfoundland and Labrador. It's mandate is to: protect and advance the rights of children and youth and to ensure their voices are heard; ensure children and youth have access to services and programs provided for them by the government of the province; provide information and advice to government, its boards and agencies and to communities about the availability, effectiveness, responsiveness and relevance of the services they provide to children and youth; and act, generally, as an advocate of the rights and interests of the children and youth of the province.</p>  |
| <b>Nova Scotia</b>   |  |
| <p>Office of the Ombudsman, Youth Services</p> <p><a href="http://www.gov.ns.ca/ombu/Child_Ombud/default.asp">www.gov.ns.ca/ombu/Child_Ombud/default.asp</a></p> | <p>Youth Services offers an independent mechanism for investigating and resolving complaints from children and youth in the child custody and child protection systems, with the intention to expand to all youth accessing provincial and municipal youth serving systems.</p> <p>Ombudsman representatives provide children and youth with an opportunity to have their voice heard, while monitoring conditions in facilities and making recommendations to improve various child-serving systems. The office provides independent oversight and outreach services to youth in correctional facilities, the secure care facility and residential child-caring facilities. They also ensure youth in Royal Canadian Mounted Police and municipal police holding cells are aware of Youth Services.</p> |

|  |  |
|--|--|
| <b>New Brunswick</b>   |  |
| <p>Child and Youth Advocate</p> <p><a href="http://www.gnb.ca/0073/Child-YouthAdvocate/eng.html">www.gnb.ca/0073/Child-YouthAdvocate/eng.html</a></p>  | <p>The Child and Youth Advocate: listens to the needs and concerns of children and youth; ensures that children's rights and interests are protected; makes sure children's views are heard in the appropriate forums; investigates complaints children may have about how previous situations were handled by government agencies; assures children have proper access to the appropriate services; monitors laws and policies to make sure they are fair to children and followed properly; reports on the availability, effectiveness, responsiveness and relevance of child and youth services; acts as an advocate for the rights and interests of children and youth in general.</p> |
| <b>Québec</b>  |  |
| <p>Commission des droits de la personne et des droits de la jeunesse</p> <p><a href="http://www.cdpdj.qc.ca/en/home.asp?noeud1=0&amp;noeud2=0&amp;cle=0">www.cdpdj.qc.ca/en/home.asp?noeud1=0&amp;noeud2=0&amp;cle=0</a></p> | <p>The Commission was constituted under the <i>Charter of human rights and freedoms</i>. The name and the responsibilities of the Commission result from the merging, in 1995, of the mandates of the Commission des droits de la personne and the Commission de protection des droits de la jeunesse.</p> <p>The Commission promotes and upholds, by any appropriate measures, the principles enunciated in the <i>Charter of human rights and freedoms</i>. The Commission also ensures, by any appropriate measures, the promotion and the protection of the rights of children recognized by the <i>Youth Protection Act</i> and the <i>Youth Criminal Justice Act</i>.</p>            |
| <b>Ontario</b>   |  |
| <p>Office of the Provincial Advocate for Children and Youth</p> <p><a href="http://www.provincialadvocate.on.ca">www.provincialadvocate.on.ca</a></p>  | <p>The Office of the Provincial Advocate reports directly to the government of Ontario Legislature and provides an independent voice for children and youth, including children with special needs and First Nations children.</p> <p>The Advocate responds to concerns from children, youth and families seeking or receiving services under the <i>Child and Family Services Act</i> and the <i>Education Act (Provincial and Demonstration Schools)</i>.</p> <p>The Provincial Advocate may identify systemic problems involving children, conduct reviews and provide education and advice on the issue of advocacy and the rights of children.</p>                                    |



|  |   |
|--|---|
| <b>Manitoba</b>  |   |
| <p>Children's Advocate</p> <p><a href="http://www.childrensadvocate.mb.ca/">www.childrensadvocate.mb.ca/</a></p> | <p>The Office of the Children's Advocate is an independent office of the Manitoba Legislative Assembly who represents the rights, interests and viewpoints of children and youth who are receiving, or should be receiving, services as prescribed under <i>The Child and Family Services Act</i> and <i>The Adoption Act</i>.</p>  |
| <b>Saskatchewan</b>  |   |
| <p>Children's Advocate Office</p> <p><a href="http://www.saskcao.ca/">www.saskcao.ca/</a></p>                    | <p>The Children's Advocate has the authority to promote the interests of, and act as a voice for children and youth who have concerns about provincial government services and engages in public education, works to resolve disputes and conducts independent investigations. The Children's Advocate also recommends improvements of programs for children to the government and/or the Legislative Assembly.</p>   |
| <b>Alberta</b>   |   |
| <p>Child and Youth Advocate</p> <p><a href="http://www.advocate.gov.ab.ca/">www.advocate.gov.ab.ca/</a></p>      | <p>The legislative mandate of the Child and Youth Advocate is set out in the <i>Child, Youth and Family Enhancement Act</i> (Enhancement Act). The Child and Youth Advocate provides advocacy for children and youth receiving services under the Enhancement Act or under the <i>Protection of Sexually Exploited Children Act</i> (PSECA). The mandate includes: the provision of advocacy services to individual children and youth or groups of children and youth; the provision of advice regarding matters related to the welfare and interests of children receiving services under the Enhancement Act or PSECA; facilitating the involvement of family or community members as advocates for children; submitting quarterly reports to the Minister about the activities and observations of the Child and Youth Advocate; and submitting an annual report respecting the exercise of the duties and functions of the Child and Youth Advocate.</p> |

|  |  |
|--|--|
| <b>British Columbia</b>  |  |
| <p>Representative for Children and Youth</p> <p><a href="http://www.rcybc.ca">www.rcybc.ca</a></p>                                     | <p>The mandate of the Representative for Children and Youth is to improve services and outcomes for children in British Columbia through advocacy, accountability and review. The Representative advocates on behalf of children and youth to ensure services meet their needs. The Representative also advocates for improvements to the system of services for children, youth and their families. It is the responsibility of the Representative to initiate reviews and investigate government agencies that provide services to children in British Columbia.</p> <p>The Representative independently reviews and investigates deaths and critical injuries of children and youth receiving services, with an emphasis on preventing children and youth from being harmed in any way. The Representative also has the power to release reports that are independent of government approval and that uniquely focus on the child welfare system.</p> |
| <b>Yukon</b>   |  |
| <p>Ombudsman</p> <p><a href="http://www.ombudsman.yk.ca/ombudsman/omb_index.html">www.ombudsman.yk.ca/ombudsman/omb_index.html</a></p> | <p>The Ombudsman is an independent investigator whose job is to review and investigate complaints about how government departments, agencies, commissions and boards do business by reviewing their actions, decisions, practices and procedures.</p>  |

## Appendix 4 – Statistical Information

**Table 1**

### Estimates of population of children under the age of 18, by sex for July 1, Canada, 2003 to 2007<sup>1,2,3</sup>

|            | 2003      | 2004      | 2005      | 2006      | 2007      |
|------------|-----------|-----------|-----------|-----------|-----------|
| Both sexes | 7,040,410 | 7,004,866 | 6,981,851 | 6,966,727 | 6,941,011 |
| Males      | 3,605,434 | 3,586,984 | 3,575,793 | 3,568,329 | 3,555,413 |
| Females    | 3,434,976 | 3,417,882 | 3,406,058 | 3,398,398 | 3,385,598 |

1. Postcensal estimates are based on the latest census results adjusted for net census undercoverage and for the estimated population growth that occurred since that census. Intercensal estimates are based on postcensal estimates and data adjusted for net census undercoverage of the censuses preceding and following the considered year.

2. Estimates are revised intercensal from 1971 to 1995, final intercensal from 1996 to 2000, final postcensal from 2001 to 2004, updated postcensal for 2005 and 2006 and preliminary postcensal for 2007.

3. Age at last birthday in years.

Source: Statistics Canada. CANSIM, Table 051-0001.

**Table 2**

### Estimates of population of children under the age of 18, by age for July 1, Canada, 2003 to 2007<sup>1,2</sup>

| Age group <sup>3</sup>   | 2003      | 2004      | 2005      | 2006      | 2007      |
|--------------------------|-----------|-----------|-----------|-----------|-----------|
| Total aged 0 to 17 years | 7,040,410 | 7,004,866 | 6,981,851 | 6,966,727 | 6,941,011 |
| 0 years                  | 329,757   | 337,074   | 338,612   | 344,644   | 352,107   |
| 1 year                   | 331,229   | 334,245   | 341,441   | 342,976   | 348,557   |
| 2 years                  | 340,107   | 334,779   | 338,231   | 345,296   | 346,489   |
| 3 years                  | 352,798   | 343,361   | 338,101   | 341,571   | 348,467   |
| 4 years                  | 356,756   | 356,352   | 346,925   | 341,283   | 344,577   |
| 5 years                  | 366,442   | 360,257   | 360,145   | 350,248   | 344,446   |
| 6 years                  | 380,162   | 369,775   | 363,539   | 363,428   | 353,204   |
| 7 years                  | 396,843   | 383,179   | 373,146   | 366,743   | 366,220   |
| 8 years                  | 404,516   | 399,557   | 386,295   | 376,255   | 369,536   |
| 9 years                  | 406,422   | 407,074   | 402,587   | 389,422   | 378,951   |
| 10 years                 | 414,251   | 408,993   | 410,063   | 405,806   | 392,522   |
| 11 years                 | 424,316   | 417,127   | 412,131   | 413,310   | 409,127   |
| 12 years                 | 430,828   | 426,885   | 420,058   | 414,901   | 415,974   |
| 13 years                 | 432,853   | 433,506   | 429,691   | 422,716   | 417,341   |
| 14 years                 | 419,783   | 435,950   | 436,608   | 432,911   | 425,528   |
| 15 years                 | 410,072   | 423,067   | 439,366   | 439,911   | 436,055   |
| 16 years                 | 416,171   | 413,588   | 427,022   | 443,395   | 443,730   |
| 17 years                 | 427,104   | 420,097   | 417,890   | 431,911   | 448,180   |

1. Postcensal estimates are based on the latest census results adjusted for net census undercoverage and for the estimated population growth that occurred since that census. Intercensal estimates are based on postcensal estimates and data adjusted for net census undercoverage of the censuses preceding and following the considered year.

2. Estimates are revised intercensal from 1971 to 1995, final intercensal from 1996 to 2000, final postcensal from 2001 to 2004, updated postcensal for 2005 and 2006 and preliminary postcensal for 2007.

3. Age at last birthday in years.

Source: Statistics Canada. CANSIM, Table 051-0001.

**Table 3****Estimates of population of children under the age of 18, by province and territory for July 1, Canada, 2003 to 2007<sup>1,2,3</sup>**

|                           | <b>2003</b> | <b>2004</b> | <b>2005</b> | <b>2006</b> | <b>2007</b> |
|---------------------------|-------------|-------------|-------------|-------------|-------------|
| Canada                    | 7,040,410   | 7,004,866   | 6,981,851   | 6,966,727   | 6,941,011   |
| Newfoundland and Labrador | 106,357     | 103,671     | 101,174     | 98,644      | 96,397      |
| Prince Edward Island      | 31,724      | 31,098      | 30,567      | 30,043      | 29,629      |
| Nova Scotia               | 197,014     | 193,244     | 189,047     | 185,377     | 181,817     |
| New Brunswick             | 156,095     | 153,345     | 150,417     | 147,289     | 144,687     |
| Québec                    | 1,554,373   | 1,545,937   | 1,539,248   | 1,535,502   | 1,531,388   |
| Ontario                   | 2,795,051   | 2,790,019   | 2,786,713   | 2,781,337   | 2,760,232   |
| Manitoba                  | 284,460     | 283,463     | 281,503     | 280,375     | 280,015     |
| Saskatchewan              | 248,417     | 244,410     | 239,946     | 236,664     | 235,904     |
| Alberta                   | 762,685     | 762,119     | 769,223     | 779,726     | 792,147     |
| British Columbia          | 871,918     | 865,344     | 862,041     | 860,274     | 857,674     |
| Yukon Territory           | 7,401       | 7,292       | 7,165       | 6,982       | 6,750       |
| Northwest Territories     | 12,761      | 12,735      | 12,570      | 12,308      | 12,150      |
| Nunavut                   | 12,154      | 12,189      | 12,237      | 12,206      | 12,221      |

1. Postcensal estimates are based on the latest census results adjusted for net census undercoverage and for the estimated population growth that occurred since that census. Intercensal estimates are based on postcensal estimates and data adjusted for net census undercoverage of the censuses preceding and following the considered year.

2. Estimates are revised intercensal from 1971 to 1995, final intercensal from 1996 to 2000, final postcensal from 2001 to 2004, updated postcensal for 2005 and 2006 and preliminary postcensal for 2007.

3. Age at last birthday in years.

Source: Statistics Canada. CANSIM, Table 051-0001.

**Table 4****Median total income by census family type, Canada, 2006 constant dollars, annual<sup>1</sup>**

|                                   | <b>2003</b> | <b>2004</b> | <b>2005</b> | <b>2006</b> |
|-----------------------------------|-------------|-------------|-------------|-------------|
| Two-parent families with          | 75,300      | 76,600      | 77,000      | 78,500      |
| Lone-parent families <sup>2</sup> | 29,700      | 30,100      | 33,000      | 34,100      |

1. The term census family corresponds to what is commonly referred to as a nuclear family or immediate family. In general, it consists of a married couple or common-law couple with or without children, or a lone-parent with a child or children.

2. Census families with single children less than 18 years of age.

Source: Statistics Canada. CANSIM, Table 202-0410.

**Table 5****Low income rates by census family type, Canada, 2003 to 2007, (1992 base after-tax income LICO)<sup>1,2</sup>**

|  | 2003                        | 2004 | 2005 | 2006 |
|--|-----------------------------|------|------|------|
|  | Prevalance <sup>3</sup> (%) |      |      |      |
| Two-parent families with children <sup>4</sup> | 6.8                         | 6.9  | 6.7  | 6.6  |
| Lone-parent families <sup>4</sup>              | 34.2                        | 32.1 | 25.9 | 24.3 |

1. The term census family corresponds to what is commonly referred to as a nuclear family or immediate family. In general, it consists of a married couple or common-law couple with or without children, or a lone-parent with a child or children.

2. The Low Income Cut-Off (LICO) is the after-tax income below which most Canadians spend at least 20 percentage-points more than the average on food, shelter and clothing.

3. Prevalence of low income shows the proportion of people living below the low income cut-offs within a given group. It is expressed as a percentage.

4. Census families with single children less than 18 years of age.

Source: Statistics Canada. CANSIM, Catalogue no. 75-202-X.

**Table 6****Children under the age of 18 in low income, after tax (1992 LICO base)<sup>1</sup>**

|                                 | 2003              | 2004              | 2005              |
|---------------------------------|-------------------|-------------------|-------------------|
| Estimated number (in thousands) | 853               | 877               | 788               |
| Prevalance <sup>2</sup> (%)     | 12.5              | 13                | 11.7              |
| In two-parent families          | 7.9               | 8.4               | 7.8               |
| In female lone-parent families  | 41.4              | 40.4              | 33.4              |
| In all other economic families  | 12.2 <sup>E</sup> | 13.0 <sup>E</sup> | 11.8 <sup>E</sup> |

<sup>E</sup>: Use with caution.

1. The Low Income Cut-Off (LICO) is the after-tax income below which most Canadians spend at least 20 percentage-points more than the average on food, shelter and clothing.

2. Prevalence of low income shows the proportion of people living below the low income cut-offs within a given group. It is expressed as a percentage.

Source: Statistics Canada. CANSIM, Table 202-0802 and Catalogue no. 75-202-X.

**Table 7****Youth under the age of 18 by area of residence, Canada, 2006**

|  | #         | % of Total |
|--|-----------|------------|
| Total population under 18 years of age | 6,896,825 | 100%       |
| Urban <sup>1</sup>                     | 5,427,760 | 79%        |
| Rural                                  | 1,339,490 | 19%        |
| On-reserve <sup>2,3</sup>              | 129,580   | 2%         |

1. An urban area has a minimum population concentration of 1,000 persons and a population density of at least 400 persons per square kilometre, based on the current census population count. All territory outside urban areas is classified as rural. On-reserve census subdivisions (CSD) are excluded from this category.

2. On reserve<sup>1</sup> includes eight CSD types legally affiliated with First Nations bands, as well as 35 additional CSDs of various other types that are generally northern communities in Saskatchewan, the Northwest Territories and the Yukon Territory, which have large concentrations of Registered First Nations.

3. The counts for this item are more affected than most by the incomplete enumeration of certain First Nations reserves and First Nations settlements. The extent of the impact will depend on the geographic area under study. In 2006, a total of 22 First Nations reserves and First Nations settlements were incompletely enumerated by the census. The populations of these 22 communities are not included in the census counts.

Source: Statistics Canada, 2006 Census of Population

**Table 8****Youth under the age of 18 by Aboriginal ancestry, Canada, 2006<sup>1</sup>**

|   |           |
|---|-----------|
| Total population under 18 years of age              | 6,896,825 |
| Total Aboriginal ancestry population <sup>1</sup>   | 599,945   |
| North American Indian single ancestry               | 190,890   |
| North American Indian and non-Aboriginal ancestries | 241,235   |
| Métis single ancestry                               | 25,325    |
| Métis and non-Aboriginal ancestries                 | 98,715    |
| Inuit single ancestry                               | 17,090    |
| Inuit and non-Aboriginal ancestries                 | 7,415     |
| Other Aboriginal multiple ancestries <sup>2</sup>   | 19,275    |
| Non-Aboriginal ancestry population                  | 6,296,880 |

1. Excludes census data for one or more incompletely enumerated First Nations reserves or First Nations settlements.

2. Refers to those persons who reported at least one Aboriginal ancestry (North American First Nations, Métis or Inuit) to the ethnic origin question. 'Ethnic origin' refers to the ethnic or cultural origins of a person's ancestors.

3. Includes those who reported multiple Aboriginal ancestries or multiple Aboriginal and non-Aboriginal ancestries to the ethnic origin question.

Source: Statistics Canada, 2006 Census of Population

**Table 9****Visible minority groups for children under the age of 18, Canada, 2006**

|  |           |
|--|-----------|
| Total - Population Under 18 years              | 6,896,825 |
| Total visible minority population <sup>1</sup> | 1,377,810 |
| Chinese  | 263,550   |
| South Asian                                    | 358,320   |
| Black  | 263,340   |
| Filipino                                       | 105,760   |
| Latin American                                 | 75,480    |
| Southeast Asian                                | 66,480    |
| Arab   | 81,405    |
| West Asian                                     | 39,045    |
| Korean   | 36,570    |
| Japanese                                       | 17,625    |
| Visible minority, n.i.e. <sup>2</sup>          | 17,540    |
| Multiple visible minority <sup>3</sup>         | 52,685    |
| Not a visible minority <sup>4</sup>            | 5,519,015 |

1. The *Employment Equity Act* defines visible minorities as 'persons, other than Aboriginal peoples, who are non-Caucasian in race or non-white in colour'.

2. The abbreviation 'n.i.e.' means 'not included elsewhere'.

3. Includes respondents who reported more than one visible minority group by checking two or more mark-in circles, e.g., 'Black' and 'South Asian'.

4. Includes respondents who reported 'Yes' to the Aboriginal identity question as well as respondents who were not considered to be members of a visible minority group.

Source: Statistics Canada, 2006 Census of Population.

**Table 10****Type of disabilities among children with disabilities by age groups, Canada, 2006**

| Type of disability         | Age groups         |                   |               |      |         |      |
|----------------------------|--------------------|-------------------|---------------|------|---------|------|
|                            | 0 to 4 years       |                   | 5 to 14 years |      | Total   |      |
|                            | number             | %                 | number        | %    | number  | %    |
| All categories             | 27,540             | 100               | 174,810       | 100  | 202,350 | 100  |
| Hearing <sup>1</sup>       | 3,270 <sup>E</sup> | 11.9 <sup>E</sup> | 20,020        | 11.5 | 23,290  | 11.5 |
| Seeing <sup>1</sup>        | 3,030 <sup>E</sup> | 11.0 <sup>E</sup> | 16,680        | 9.5  | 19,710  | 9.7  |
| Speech <sup>2</sup>        | ...                | ...               | 78,240        | 44.8 | 78,240  | 44.8 |
| Mobility <sup>2</sup>      | ...                | ...               | 23,160        | 13.2 | 23,160  | 13.2 |
| Agility <sup>2</sup>       | ...                | ...               | 37,240        | 21.3 | 37,240  | 21.3 |
| Learning <sup>2</sup>      | ...                | ...               | 121,080       | 69.3 | 121,080 | 69.3 |
| Developmental <sup>2</sup> | ...                | ...               | 53,740        | 30.7 | 53,740  | 30.7 |
| Psychological <sup>2</sup> | ...                | ...               | 60,310        | 34.5 | 60,310  | 34.5 |
| Delay <sup>3</sup>         | 17,090             | 62.1              | ...           | ...  | 17,090  | 62.1 |
| Chronic <sup>1</sup>       | 19,230             | 69.8              | 116,340       | 66.6 | 135,570 | 67   |
| Other <sup>1</sup>         | 1,810 <sup>E</sup> | 6.6 <sup>E</sup>  | 6,290         | 3.6  | 8,100   | 4    |

Note: The sum of the categories is greater than the population with disabilities because persons could report more than one type of disability. The Participation and Activity Limitation Survey collects information uses two questionnaires, one for adults aged 15 and over and one for children under the age of 15. The interviews for the children's questionnaire were conducted with the parent or guardian of the child.

1. Applies to all children under 15.
2. Applies to all children aged 5 to 14.
3. Applies to children aged 0 to 4.

E: Use with caution

...: Not applicable

Source: Statistics Canada, Participation and Activity Limitation Survey, 2006.

**Table 11****Youth custody and community services (YCCS), admissions and releases to correctional services, Canada<sup>1,2</sup>, 2003/2004-2005/2006**

|                                 | 2003/2004 | 2004/2005 | 2005/2006 |
|---------------------------------|-----------|-----------|-----------|
| Remand                          | 13,999    | 16,730    | 15,951    |
| Total secure custody            | 3,232     | 2,927     | 2,788     |
| Total open custody <sup>3</sup> | 3,079     | 2,909     | 2,750     |
| Total community sentences       | 42,632    | 31,086    | 35,138    |

1. Excludes Prince Edward Island due to missing data for some years.
2. Total remand excludes Saskatchewan due to missing data for some years.
3. A facility is considered 'open' when there is minimal use of security devices or perimeter security (e.g., a community residential centre, group home, or wilderness camp).

Source: Statistics Canada, Canadian Centre for Justice Statistics, Youth Custody and Community Services Survey.

**Table 12****Youth aged 12 to 17 charged with *Criminal Code* offences, Canada, 2003 to 2007<sup>1</sup>**

|  | 2003          |  | 2004          |  | 2005          |  | 2006          |  | 2007          |  |
|--|---------------|--|---------------|--|---------------|--|---------------|--|---------------|--|
|  | Youth charged |  | Youth charged |  | Youth charged |  | Youth charged |  | Youth charged |  |
|  | #             | rate per<br>100,000<br>pop. <sup>2</sup> | #             | rate per<br>100,000<br>pop. <sup>2</sup> | #             | rate per<br>100,000<br>pop. <sup>2</sup> | #             | rate per<br>100,000<br>pop. <sup>2</sup> | #             | rate per<br>100,000<br>pop. <sup>2</sup> |
| Total - <i>Criminal Code</i> offences (excl. traffic offences) | 83,063        | 3,274                                    | 77,586        | 3,040                                    | 74,595        | 2,903                                    | 73,871        | 2,857                                    | 73,871        | 2,923                                    |
| Crimes of Violence   | 20,434        | 805                                      | 19,876        | 779                                      | 20,340        | 792                                      | 20,468        | 792                                      | 20,468        | 827                                      |
| Property Crimes  | 34,190        | 1,348                                    | 30,135        | 1,181                                    | 27,230        | 1,060                                    | 25,778        | 997                                      | 25,778        | 977                                      |
| Other <i>Criminal Code</i>                                     | 28,439        | 1,121                                    | 27,575        | 1,080                                    | 27,025        | 1,052                                    | 27,625        | 1,068                                    | 27,625        | 1,120                                    |

1. Figures may include a small number accused under the age of 12.

2. Rates are calculated on the basis of 100,000 youth aged 12 to 17.

Source: Statistics Canada, Canadian Centre for Justice Statistics, Uniform Crime Reporting Survey.



## **Appendix 5 – Government of Canada Response to the Standing Senate Committee on Human Rights**

The Honourable Senator Andreychuk  
Chair, Standing Senate Committee on Human Rights  
Senate of Canada  
Ottawa, Canada

Dear Honourable Senator Andreychuk,

On June 18, 2007, the Standing Senate Committee on Human Rights requested that the Government table a complete and detailed response to the recommendations included in its tenth Report, entitled, *Children: The Silenced Citizens, Effective Implementation of Canada's International Obligations with respect to the Rights of Children*. These recommendations cover a broad range of areas within four overarching themes: implementing the international human rights of children at home; supporting healthy child development; combating exploitation and violence against children; and protecting vulnerable children.

Pursuant to Rule 131 of the Rules of the Senate, I am pleased, on behalf of the Government of Canada, to respond to the Standing Senate Committee's Report.

The Government appreciates the Committee's in-depth work in examining Canada's obligations under the United Nations *Convention on the Rights of the Child* and assessing whether Canadian legislation that applies to children is consistent with the *Convention*. It will serve as an important reference document for future policy development.

As you well understand, preparing a Government Response involves many government officials in many departments and agencies, all of whom must take a fresh look at the legislation, policies, and programs under their responsibility to be able to respond. The process itself is of tremendous value, and enhances coordination and collaboration.

Canada demonstrates its strong commitment to promoting and safeguarding the rights of children as a State Party to the *Convention* and through Canada's efforts with respect to its effective implementation. All levels of government, in partnership with civil society and the private sector, are working towards improving the well-being of children.

Federal government measures to support children, families, and communities respect the diversity of their circumstances and needs. They also reflect the government's belief that whenever possible, parents should have the primary responsibility for nurturing and caring for their children. Strong families are the foundation for a bright future for children and for Canada. While there is still important work to be done to improve the lives of children, government action has led to positive results and some recent successes in improving the situation of children and their families. The 2006 Government of Canada report, "The Well-Being of Canada's Young

Children” found that most young children in Canada (aged 0-6) are healthy, exhibit strong cognitive and social development, and are growing up in positive family environments. Between 1996 and 2005, there was an almost seven percentage point drop in the rate of children living in low income, representing 520,000 children (Statistics Canada, *Income in Canada 2005*, May 2007). In 2007, for the first time, families will receive over \$ 17 billion in direct support through federal programs such as the Universal Child Care Benefit, the Child Tax Credit, the Canada Child Tax Benefit, the Child Disability Benefit, maternity and parental benefits, and the Child Care Expense Deduction. There is now \$1.1 billion in federal transfers to the provinces and territories to support early childhood development programs and services for children, including an additional \$250 million added to annual funding for new child care spaces. This amount will grow by 3% each year through the annual escalator provision of the Canada Social Transfer.

The Government of Canada remains committed to the well-being of children and to meeting Canada’s international human rights obligations under the Convention. As the Standing Senate Committee acknowledged in their Report, numerous issues relating to children fall within the jurisdiction of the provinces and territories and children in most provinces have recourse to independent Children's Commissioners, advocates or ombudspersons. The Government of Canada recognizes and values the important work performed by the Children's Advocates and Ombudspersons in the provinces and territories on children's issues. Canada agrees with the Standing Senate Committee that cooperation among jurisdictions is essential to ensure that children remain a priority. Federal, provincial and territorial governments continue to consult on issues relating to children through various forums. The Government coordinates actions and addresses areas of greatest need through working groups and committees, both longstanding, such as the Continuing Committee of Officials on Human Rights, and newly created such as the federal interdepartmental working group on children's rights. Through mechanisms such as these, as well as Canada’s on-going reporting obligations to the United Nations Committee on the Rights of the Child, the Government of Canada facilitates awareness of and respect for its international human rights obligations with respect to children.

Canada remains committed to work as effectively and efficiently as possible, to produce better results and to help children reach their potential.

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The Honourable Robert Nicholson,  
Minister of Justice

## **Government Response to the Standing Senate Committee on Human Rights Report:**

### **“Children: The Silenced Citizens Effective Implementation of Canada’s International Obligations with Respect to the Rights of Children”**

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### The Way Forward

## Introduction

The Canadian Government acknowledges the many hours of testimony and research that contributed to the Standing Senate Committee's Report, "Children: The Silenced Citizens" and thanks the Committee members for all the work that they have done to highlight opportunities to improve the lives of children in Canada.

This Government Response presents information about processes, programs, and policies that the Government now has in place, and is putting in place, to support Canadian children and families consistent with its international obligations. The information is grouped under four themes:

- implementing the international human rights of children at home
- supporting healthy child development
- combating exploitation and violence against children, and
- protecting vulnerable children.

The Government shares the Standing Senate Committee's concerns about the well-being of children and its commitment to ensuring that the best interests of children are realized.

## Part 1 – Implementing the International Human Rights of Children at Home

*The Standing Senate Committee's Report included six recommendations relating to this theme: Recommendations 1, 19, 21, 22, 23, and 24.*

### International treaty-making and implementation in Canada

Canada implements and complies with its international human rights obligations through a multi-faceted approach, including constitutional protections that are already in place under the *Canadian Charter of Rights and Freedoms*, as well as legislation, policies, programs, and public education.

While international treaty-making is an act of the Executive branch of Government and Parliamentary approval is not required for Canada to enter into international treaties, the Canadian Government consults across federal Government departments and with provincial, territorial, and Aboriginal governments when the subject-matter of the treaty falls within their jurisdictional authority.

Provinces and territories participate in the elaboration of new international human rights instruments by providing comments on draft texts and by participating on Canada's delegations to international human rights treaty negotiations, as appropriate.

In some cases, the Government of Canada may have a legal obligation to consult self-governing Aboriginal governments before consenting to be bound to a new international treaty that may affect or may adversely affect a right under an Aboriginal agreement. Since the 1990s, Canada

has entered into a number of self-government agreements with Aboriginal groups containing specific provisions on the need for compliance with Canada's international legal obligations.

Information about the Canadian position at international human rights treaty negotiations has also been provided to participants at past Annual Human Rights Consultations held by Foreign Affairs and International Trade Canada. Various non-governmental organizations have been invited to these consultations, which have been open to the public.

Government departments directly involved in international treaty negotiations may also contact non-governmental organizations who have an interest in the subject matter of the treaty. As well, representatives of non-governmental organizations may sometimes participate in Canadian delegations to international treaty negotiations. For example, representatives from the Council of Canadians with Disabilities and the Canadian Association for Community Living recently participated in Canada's delegation to the negotiations on the United Nations *Convention on the Rights of Persons with Disabilities*.

Prior to ratifying an international human rights treaty, the federal Government conducts an internal assessment of its laws, policies, and practices to determine if they comply with the treaty. If the subject matter of the treaty falls within provincial jurisdiction, a similar assessment is also undertaken by the provinces and territories. This process was followed before Canada ratified the *Convention on the Rights of the Child* in 1991 and its two Optional Protocols on children in armed conflict (2000) and the sale of children (2005). Canada did not signal its intention to be bound until after this comprehensive review had been completed. Therefore, although the Executive branch is responsible for entering into international treaties, the decision to ratify the *Convention* was only made after extensive discussions and work across the country. In addition, in the 2006 *Speech from the Throne*, the Government declared that "significant international treaties will be submitted for votes in Parliament". The Government of Canada remains firmly committed to giving Parliament a greater role in the international treaty-making process.

#### Reviewing proposed federal legislation for consistency with Canada's human rights obligations

Before the Government tables a Bill in Parliament, the Government reviews proposed federal legislation for consistency with human rights protections including, where relevant, Canada's international human rights obligations respecting children. The process by which a new federal Bill goes to Parliament is thorough, requiring Cabinet to be informed when international agreements to which Canada is a signatory have a bearing on the proposed legislation. (See the *Guide to Making Federal Acts and Regulations*, c. 2.2, Checklist for Preparing Bill Drafting Instructions ([http://www.pco-bcp.gc.ca/docs/InformationResources/Publications/legislation/lmg\\_e.pdf](http://www.pco-bcp.gc.ca/docs/InformationResources/Publications/legislation/lmg_e.pdf)))

In addition, the *Cabinet Directive on Streamlining Regulation* instructs departments and agencies to respect Canada's international obligations in their regulatory activities relating to areas such as human rights, health, safety, security, international trade, and the environment. The Directive is online at (<http://www.regulation.gc.ca/default.asp@language=e&page=thegovernmentdirectiveon.htm>).

Legislative drafters and regulatory counsel as well as other legal counsel in the Department of Justice are briefed on issues related to the implementation of international obligations as part of their ongoing training. Specific training is available on the *Convention on the Rights of the Child*. In addition, issues with respect to international human rights that are raised by a Bill or proposed regulation can be referred to the Human Rights Law Section of the Department of Justice for a legal opinion.

#### Canada's on-going reporting responsibilities

As with each of the major United Nations human rights treaties, as a state party to the *Convention*, Canada must report on its implementation of the instrument in question. The United Nations Committee or respective treaty body reviews these reports, issues its "Concluding Observations" noting accomplishments and areas for improvement, and making recommendations for further information.

The Government of Canada supports this reporting process in words and actions, viewing it as a forum for dialogue and an opportunity to share best practices between the state party and the treaty body. Canada has submitted more than 40 reports to United Nations treaty bodies. Canada is also one of only a few countries that is up-to-date on its reporting responsibilities under the major human rights treaties. Canada continues to look for ways to improve its reports and, since 2004, has made them more timely, focused, and shorter, an approach which has been positively acknowledged during United Nations Committee reviews.

For the preparation of Canada's reports, officials from across federal departments and at the provincial and territorial level, submit information into a detailed report. During the process of preparing a report, the Government invites the participation of non-governmental organizations by canvassing their views for issues to be covered in Canada's reports, ensuring that they are informed of the upcoming review process, engaging in information sessions on reporting, and facilitating the sharing of their information with the treaty bodies and with federal, provincial, and territorial governments as appropriate.

To promote transparency, Canada's reports to the United Nations, the United Nations Concluding Observations, and other information on human rights are available online at [pch.gc.ca/progs/pdp-hrp/docs/crc\\_e.cfm](http://pch.gc.ca/progs/pdp-hrp/docs/crc_e.cfm).

In addition to being made available to the public, the Concluding Observations are discussed at relevant federal and provincial and territorial meetings for follow-up.

With respect to the *Convention on the Rights of the Child*, Canada has already submitted two five-year periodic reports, and work is currently underway on the next report which is due in January 2009. The information and recommendations in the Standing Senate Committee report will be used to inform this process. The Government is also finalizing Canada's first report to the United Nations Committee on the Rights of the Child this fall on the *Optional Protocol to the Convention on the Rights of the Child, Sale of Children, Child Prostitution and Child Pornography*, which Canada ratified in September 2005.

In May 2002, the United Nations hosted a Special Session on Children involving over 500 stakeholders, individuals and organizations, including children speaking for themselves. The input was assembled in a document titled “A World Fit for Children”, which identified priority actions for children. Canada responded with a *National Plan of Action for Children* and submitted the plan with the title “A Canada Fit for Children” to the United Nations in April 2004. Canada was one of the first countries to develop a plan of action following the Special Session. It has also followed up on the 2002 Special Session with a response to UNICEF, the “‘Plus 5’ Review of the 2002 Special Session on Children and World Fit for Children Plan of Action”.

Canada takes its reporting responsibilities seriously. Through an open and accountable process and frank reports to the United Nations on how the *Convention on the Rights of the Child* is being implemented in Canada, Canada is maintaining its commitment to the *Convention* and to the obligations it contains.

### **The coordination of government activities relating to children**

Canada's Constitution sets out the responsibilities of federal and provincial governments. Canada's federal nature enhances protection of children's rights because it provides the opportunity for governments to weigh the particular conditions prevailing in their jurisdictions when deciding on appropriate ways of taking action. Governments can also provide different supports depending on jurisdictional responsibility. For example, health and education, two important areas of service to children, are provincial matters, leaving the federal Government to promote policies in these areas generally through fund transfers and discretionary programs that promote knowledge development and dissemination.

Nevertheless, all governments in Canada share a mutual concern for the well-being of children, and agree that cooperation among jurisdictions is essential to ensure that children remain a priority. Federal, provincial, and territorial governments continue to consult on issues related to children through various forums.

At the federal level, many different departments and agencies are responsible for creating and implementing laws, policies, and programs that have an impact on children and their families. The Government coordinates actions and addresses areas of greatest need through working groups and committees, both longstanding and newly created.

#### Committee of Federal Deputy Ministers on International Human Rights

This Committee of Federal Deputy Ministers provides leadership and a high-level forum on human rights issues, with a particular emphasis on managing the interaction between international human rights commitments and domestic law and policy. Jointly chaired by the Department of Justice, Foreign Affairs and International Trade Canada, and Canadian Heritage, the Committee provides direction on major international human rights initiatives that need to go before Cabinet, makes recommendations regarding Canada's position on emerging issues within the international human rights arena, and coordinates communications among departments.



### Interdepartmental Working Group on Children's Rights

The Standing Senate Committee recommended the creation of an interdepartmental implementation working group to coordinate activities, policies, and laws for children's rights issues. A new Interdepartmental Working Group on Children's Rights, co-chaired by the Public Health Agency of Canada and the Department of Justice, is now in place to promote a whole-of-government approach to children's rights, and to encourage linkages among departments with policies affecting children. The Working Group creates a formal structure for various ad hoc interdepartmental working groups that have existed for some time. By ensuring regular discussion of children's rights and related issues, this committee will continue to promote awareness and understanding of the obligations under the *Convention on the Rights of the Child* amongst federal officials, beyond those with direct responsibilities related to children and families. The Working Group will also collaborate on federal submissions to international and regional bodies concerned with children's issues, such as the United Nations Committee on the Rights of the Child.

### Continuing Committee of Officials on Human Rights

The Continuing Committee of Officials on Human Rights, chaired by the Department of Canadian Heritage, facilitates consultation among governments on issues related to international human rights treaties. Since its creation, the Continuing Committee has been effectively fulfilling its mandate by ensuring that the federal, provincial, and territorial governments are able to discuss and share information concerning the drafting, signing, ratifying, and implementing of international human rights treaties.

The issue of federal responsibility for the Continuing Committee was addressed in the 2005 evaluation of the Human Rights Program of the Department of Canadian Heritage. The Department is responsible for promoting a greater understanding of human rights and related values. The evaluation concluded that the objectives and activities of the Human Rights Program, including inter-governmental coordination fit well within the Department of Canadian Heritage mandate and that addressing human rights issues through that Department places them in a cultural context, and makes awareness of and respect for human rights not only a matter of law, but also an integral part of Canada's culture and heritage.

The Continuing Committee has improved the availability of information about its activities by posting information online and by declassifying its most recent agendas. The public can also submit comments and concerns to the Continuing Committee of Officials on Human Rights by sending documents to the Secretariat at the Department of Canadian Heritage, [right-droit@pch.gc.ca](mailto:right-droit@pch.gc.ca). This feedback, if any, is distributed, as appropriate, to provincial and territorial governments and federal departments. However, to facilitate frank discussions and remain effective in its primary role of providing a forum for federal, provincial, and territorial officials to share their views on various issues, the content of Committee deliberations has to remain confidential. This is consistent with the practices of similar federal/provincial/territorial committees.

### A meeting of federal, provincial, and territorial ministers responsible for human rights

The Government of Canada will continue to seek the appropriate opportunity and timing for a meeting of federal, provincial, and territorial ministers responsible for human rights. While ministers have not formally met for several years, the Standing Senate Committee can be assured that ministers in all jurisdictions are informed of relevant issues, and involved in decision-making related to the development, ratification, and implementation of international human rights treaties in their respective jurisdictions.

### Youth engagement

In her testimony to the Standing Senate Committee, Ontario's Child Advocate, Judy Finlay, talked about the importance of including children in decision-making, by giving them opportunities to be heard and by really listening to them. She articulated the principle "don't speak about us without us". Indeed, the first recommendation made by the Standing Senate Committee is related to children's participation and expression.

In that regard, the federal, provincial, and territorial governments continue to work together to implement programs and services that make it possible for children experiencing a family break-up to express their ideas and feelings on proposed parenting arrangements.

The Government also recognizes the importance of considering the perspectives of children and youth when developing and implementing Government initiatives. Many departments actively engage youth in their consultation processes.

The Centre of Excellence for Youth Engagement, funded by the Public Health Agency of Canada, promotes the participation of youth in government decision-making through many initiatives. For example, the Centre of Excellence for Youth Engagement supported the Youth Action Committee for Tobacco Control and hosted the Youth Roundtable for Canada's Renewed Drug Strategy. The Centre provided ongoing consultation, including a policy paper for Tobacco Control. The Centre also supported and sustained youth engagement in the Drug Strategy for ongoing ad-hoc youth consultation. The Youth Action Committee for Tobacco Control is the longest standing example of an evolving model of sustained youth engagement in the federal government. Youth engagement is embedded in the national frameworks on tobacco and problematic substance use. Youth are involved and consulted directly in development of materials and resources on an ongoing basis.

The Women's Program, Status of Women Canada, funds projects to develop leadership skills in young women, such as the "Women of Tomorrow" leadership training program and the "Video-Camera: Women and Girls Self-Harm Prevention Project", designed for vulnerable girls to promote self-confidence and foster civic participation.

The Department of Canadian Heritage involved youth at every level of the Urban Multipurpose Aboriginal Youth Centres Initiative, from the initial consultations during the design phase to the on-going project direction provided by youth councils and advisory groups at the national, regional, and local levels. As a result of the Initiative's culturally-based "By Youth, For Youth" approach, youth who participate acquire a stronger sense of pride and self-esteem as Aboriginal

persons and develop leadership and life skills that enable them to make positive choices for their future and engage in activities that help their communities.

Internationally, the Government, through the Canadian International Development Agency, has made significant efforts to involve children and young people in meaningful and substantive ways in relevant programming and research. Canada has supported the ground-breaking participation of children at several major international conferences, and in policy dialogue, bilateral projects, and research. An analysis of lessons learned evaluations shows that the participation of children and young people is a good development practice that improves project results and may contribute to the longer-term development of stronger democratic societies.

## **Part 2 – Supporting Healthy Child Development**

*The Standing Senate Committee's Report included seven recommendations relating to this theme: Recommendations 7, 9, 10, 11, 13, 14, and 15.*

While parents and families hold primary responsibility for the care and nurturing of their children, governments at all levels have a contribution to make in supporting families.

Canada is committed to promoting and maintaining the well-being of its children across the critical domains of physical, cognitive, and social development. The following section presents some of the main programs that the Government has in place to assist families in ensuring healthy child development.

### Early childhood development

The Government of Canada recognizes the importance of the early years for healthy development. Children's opportunities and experiences during the first five years set the stage for their future success and well-being.

The federal government invests in a wide range of initiatives that foster development in early childhood including: direct support to parents; transfers to provinces and territories to support them in improving and expanding their programs and services for families with young children; programs and services for Aboriginal communities on and off reserve; and community-based programs focused on families and children at risk.

In 2006, the Government of Canada introduced the Universal Child Care Benefit, to provide direct financial assistance to families with children under six to help off-set the costs of whatever form of child care they choose. The new child tax credit, established in 2007, will provide families with up to \$310 in tax relief for each child under eighteen.

These new measures build on other direct supports to parents, including the Canada Child Tax Benefit, the National Child Benefit Supplement for low-income families, the Child Disability Benefit for families caring for a child with disabilities, maternity and paternity benefits, and the Child Care Expense Deduction. Taken together, these initiatives will provide families with over \$17 billion in direct support this year.

While the provinces and territories have jurisdiction over the majority of programs and services for families with young children, the federal government plays a supporting role. Since 2000, improving and expanding programs and services for young children has been a joint priority of all governments in Canada. The federal government transfers funding to provinces and territories to supplement and support their respective investments, based on articulated, shared goals and objectives, and with on-going collaboration to promote accountability and effective practices.

Beginning this year, the Government of Canada is providing \$250 million in additional annual funding to provinces and territories, to support the creation of child care spaces. Together with funding already provided through the Canada Social Transfer in support of the FPT Early Childhood Development (ECD) Agreement and Multilateral Framework on Early Learning and Child Care (ELCC)<sup>37</sup>, this brings federal transfers to the provinces and territories in support of programs and services for families with children to \$1.1 billion this year, growing to \$1.3 billion by 2013-14 as a result of the 3% annual escalator that is part of the renewed Canada Social Transfer.

The federal/provincial/territorial ECD and ELCC initiatives set out shared objectives for families and young children, identifying broad areas for investment, and establishing common accountability frameworks based on public reporting. Governments continue to work together under these initiatives, and to share information on progress and effective practices.

Working in collaboration with Aboriginal communities, as well as provincial and territorial governments, the federal government also supports a number of wide-reaching early childhood development programs for Aboriginal families.

In addition, the federal government works in cooperation with provinces and territories to identify priorities and direct project funding under federal initiatives like the Community Action Program for Children, the Canada Prenatal Nutrition Program and Aboriginal Head Start on and off reserve.

The Government of Canada will continue to work directly, and with its partners, to advance policies and initiatives that support early childhood development, based on a clear understanding of and respect for the roles and responsibilities of parents, communities, as well as each order of government.

#### Support for low-income families with children

The federal government helps families with the costs of raising children through a range of programs, transfers, and tax measures, including the Universal Child Care Benefit, the child tax credit, and the Canada Child Tax Benefit (CCTB). The rate of children living in low income has declined significantly, dropping from a peak of 18.6% of all children in 1996 to 11.7% in 2005

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<sup>37</sup> While the Government of Québec supports the general principles of the ECD Agreement and the Multilateral Framework on Early Learning and Child Care, it did not participate in developing these initiatives because it intends to preserve its sole responsibility on social matters. However, Québec receives its share of federal funding and the Government of Québec is making major investments towards programs and services for families and children.

(Statistics Canada, *Income in Canada 2005*, May 2007). This means that 520,000 fewer Canadian children were living in low income households in 2005 than in 1996. Although the decline in the number of children who live in families with a low income is a positive development, the Government of Canada recognizes that challenges remain.

Through the National Child Benefit (NCB)<sup>38</sup> initiative, the federal government works with provinces and territories to provide income support, as well as benefits and services for low-income families with children. In the 2006-07 program year the Federal Government provided low-income families with children with over \$3.5 billion through the NCB Supplement to the CCTB base benefit. The NCB initiative has been successful in reducing child poverty and supporting parents' participation in the labour force.

Working in partnership with First Nations governments, the Government has established the First Nations National Child Benefit Reinvestment Initiative. This is the on-reserve counterpart to similar provincial and territorial initiatives. Since its inception in 1998-1999, First Nations have reinvested over \$355 million in activities directed at overcoming poverty in their communities.

The Government is also working to improve the self-reliance of families. Budget 2007 announced a Working Income Tax Benefit to reward work for low-income Canadians. Through Labour Market Agreements for Persons with Disabilities, the Government provides funding to provinces to enhance the employability of persons with disabilities, so they can obtain and maintain employment. The Aboriginal Skills and Employment Partnership initiative helps to ensure that Aboriginal Canadians receive skills and employment training to increase their participation in economic development projects across Canada.

### Housing

Adequate housing is essential to the well-being of children and their families. The Government, in collaboration with other orders of government and organizations, is supporting a number of measures to address the housing needs of Canadians, including to reduce the gap in housing conditions between Aboriginal and non-Aboriginal Canadians. A flexible approach, based on needs and priorities primarily identified at the provincial/territorial and community level, covers the entire housing continuum.

The Government is spending \$1 billion to create affordable housing through bilateral Affordable Housing Agreements with the provinces and territories

- The Government, through Canada Mortgage and Housing Corporation, spends approximately \$1.8 billion annually primarily to support close to 630,000 low-income households in existing social housing, including \$161 million to support the housing needs of Aboriginal peoples living off-reserve.

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<sup>38</sup> The Government of Québec chose not to participate in the NCB because it wanted to assume control over income support for children in Québec but the Government of Québec has stated that it agrees with the basic principles of the NCB and has adopted a similar approach to the NCB.

- The Government continues to spend \$261 million annually to support on-reserve housing needs, including the needs of families with children. In Budget 2005, the Government committed a further \$ 295 million over five years to on-reserve housing.
- In Budget 2006, the Government announced a one-time investment of \$1.4 billion in housing trusts to provinces and territories for affordable housing (\$ 800 million), northern housing (\$300 million), and housing for Aboriginal people living off-reserve (\$300 million).
- In December 2006, the Government announced \$526 million over two years including \$270 million for homelessness under the Homelessness Partnering Strategy, of which \$29.2 million is for Aboriginal people living on-reserve, and \$256 million for housing renovation programs.
- In 2007, the Government announced a \$300 million First Nations Market Housing Fund to give First Nations people living on reserve a better chance to own or rent their own home.
- The Canadian Centre for Public-Private Partnerships in Housing provides assistance to non-profit and private sector proponents who are developing affordable, innovative, or community-based housing. Assistance ranges from seed funding, training, consultation services, and interest-free proposal development loans. Since it began in 1991, the Partnership Centre has contributed to 43,000 affordable housing units for low-income clients, including families with children.

Moving forward beyond the existing funding supports already noted, the Government recognizes that simply putting more money into existing programs and services is not the solution to address the housing challenges on reserve. Clearly, structural reform and innovation are required in order to transform the housing system on reserve. By dealing with root causes and structural issues, and by implementing strong accountability and governance structures, concrete improvements in outcomes can be achieved.

The Government will be undertaking comprehensive reviews of the 1996 On-Reserve Housing Policy, in consultation with First Nation communities, technical experts, and First Nations organizations across the country. The goal of that review is to develop new, innovative, and community-based approaches to on-reserve housing that will bring about significant improvements in housing outcomes.

Taken together, support for market-based housing and the review of the 1996 Housing Policy will result in the implementation of a sustainable on-reserve housing strategy. This strategy will be characterized by increased individual responsibility for and ownership of housing, social housing for those families requiring assistance, shelter allowances that permit effective rental regimes, encouraging business and skills development opportunities in the housing sector and alternative approaches to finance housing related infrastructure.

### Support for families with children with disabilities

Policies concerning persons with disabilities fall under federal, provincial and territorial jurisdictions. By working together and in collaboration with the non-profit and the private sectors, the goal of full participation of persons with disabilities in all dimensions of Canadian society can be achieved.

Through initiatives and tax policies, the federal government aims to reduce the barriers that persons with disabilities face at various stages of life. For instance, the Child Disability Benefit provides monthly financial assistance for qualified low- to moderate-income families caring for children with severe and prolonged mental or physical impairments, and the Medical Expenses Tax Credit (METC) is available to caregivers to cover some of the costs of medical- and disability-related expenses for dependents. The federal government also provides support for children with disabilities through the Social Development Partnerships Program.

In addition, financial assistance is offered under the Residential Rehabilitation Assistance Program for Persons with Disabilities (RRAP-D) to homeowners and landlords. RRAP-D supports accessibility work to modify dwellings occupied by, or intended to be occupied by, low-income people with disabilities, including families with children. In recognition of the additional expenses faced by families with a disabled child, the Federal Disability Tax Credit is deducted from a household's income for applications to RRAP-D and other renovation programs. In 2006, the federal government announced a package of initiatives to improve knowledge and research on Autism Spectrum Disorder, to enhance the evidence base on this condition and to help affected children and their families. These initiatives will contribute to Canada's capacity to share information on this important issue, and to provide effective, evidence-based treatments and early intervention. Similarly, Canada's Fetal Alcohol Spectrum Disorder initiative helps prevent alcohol-affected births and provides Canadians with identification, screening, and diagnostic tools.

The Government of Canada recognizes that an important consideration for parents and grandparents of a child with a severe disability is how best to ensure the child's financial security when they are no longer able to provide support. Budget 2007 proposed a new Registered Disability Savings Plan (RDSP) with a Canada Disability Savings Grant program and Canada Disability Savings Bond program. An individual eligible for the disability tax credit, their parent or other legal representative, may establish an RDSP. The Government of Canada is working with financial institutions to put the necessary administrative mechanisms in place to allow financial institutions to begin offering RDSPs to Canadians in 2008.

The Government of Canada is determined to improve the well-being of children with disabilities and to protect and promote the rights of persons with disabilities, a commitment demonstrated by Canada's active participation in the negotiation of the United Nations *Convention on the Rights of Persons with Disabilities* and by its signing of the *Convention* on March 30, 2007.

## Adoption

Adoption provides a family to a child who would not otherwise enjoy adequate parental support. Although adoption falls within the jurisdiction of the provinces and territories, the Government of Canada plays an important role in this area, in particular with respect to Aboriginal children who find themselves without a family.

The delivery of adoption services on reserve has recently been enhanced through new authorities, which enable Indian and Northern Affairs Canada to offer services comparable to those provided by the provinces and territories. Positive, permanent placements should result from a better range of options for adoptive families living on reserve including kinship care (care provided by extended family members), post-adoption subsidies (monthly payments to the adoptive parents), and supports (including counselling services and special needs support for children with disabilities).

Since 2005, parents who adopt a child can claim a tax credit of up to \$10,000. This tax credit recognizes the contribution that adoptive parents make to the welfare of children, and gives adoptive parents tax relief for "exceptional costs" which are unique to adoption, including adoption agency, legal fees, and travel costs.

Through Human Resources and Social Development Canada's Intercountry Adoption Services, the Government interacts with foreign Central Authorities, as required, and facilitates communication among federal, provincial, and territorial adoption officials by, among other things, hosting meetings to share information and to address issues concerning national and intercountry adoptions, such as child trafficking for the purposes of adoption. Canada is a party to the *Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption* and participates in international conferences related to the *Convention*.

The Government has also taken action to address a citizenship-granting inconsistency between children adopted abroad by Canadian citizens and children born abroad to Canadian parents. Regulatory amendments will mean that children adopted abroad by Canadian-citizen parents, after February 14, 1977, may be granted citizenship without first having to apply and qualify as permanent residents under the *Immigration and Refugee Protection Act*. Bill C-14 received royal assent on June 22, 2007, and will come into force by the end of the year.

## Identity

The Government recognizes the importance of a child having access to information about his or her parents. The issue of sperm donor identity and access to a donor's medical history was raised and carefully considered when the *Assisted Human Reproduction Act* was passed. In coming to the conclusion not to provide for the release of identifying information without a donor's written consent, the child's right to know their biological history and the donor's right to privacy were both considered. The importance of the child's right is evidenced by ensuring the provision of important medical and social information concerning the donor.



### Child protection

Each provincial and territorial jurisdiction has its own legislation governing child welfare. These laws stipulate the age at which it is appropriate for a child to leave care, and provides for extensions to the usual age cut-off in circumstances where this will better facilitate a young person's transition to independence. The Government of Canada collaborates with provinces and territories in ongoing efforts to improve child welfare services, policies, and practices by facilitating regular federal-provincial-territorial meetings and sharing information with respect to national research and data collection initiatives.

### Child labour

Provincial, territorial, and federal governments all have laws that apply to child employment, although the provincial and territorial governments have exclusive authority with respect to education, compulsory school attendance, and the employment of children within their jurisdiction. Laws concerning child labour cover, for example, employment standards, occupational health and safety, education, and vocational training. In general, the approach in each jurisdiction is to permit children to have access to age-appropriate jobs and work experience, provided all applicable laws are obeyed.

### Parenting skills

"Nobody's Perfect" is a parenting education and support program, coordinated nationally by the Public Health Agency of Canada, to help parents to recognize their strengths, and to implement positive parenting principles. It includes the "Feelings" booklet, developed in collaboration with Justice Canada, which focuses on the development of a healthy parent-child relationship and serves as a guide for parents on various ways to cope positively with their children's and their own emotional responses. Health Canada, in partnership with Justice Canada, also developed the parenting tip sheet "What's Wrong With Spanking", which provides information on effective forms of non-physical discipline of children.

In 2004, the Supreme Court of Canada found that section 43 of the *Criminal Code of Canada*, which allows a parent, teacher, or person acting in place of a parent to use reasonable force to correct a child, is consistent with the *Canadian Charter of Rights and Freedoms* and with Canada's obligations under the *Convention*.

### Health

Provinces and territories have primary responsibility for the administration and delivery of health and social services to their residents. Federal transfers for health under the Canada Health Transfer are conditional to provinces and territories complying with the requirements of the *Canada Health Act*. Within the parameters set by the Act, provinces and territories have full latitude to manage and prioritize the federal funding available.

To reduce health disparities and promote public health, the Government has developed programs including the Aboriginal Head Start in Urban and Northern Communities, the Canada Prenatal

Nutrition Program, and the Community Action Program for Children, for at-risk children and families. These community-based, early intervention programs are funded through the Public Health Agency of Canada. They provide support to community-based groups to deliver comprehensive, culturally-appropriate prevention and early intervention programs to at-risk children, from newborns to age six, and their families, including First Nations, Inuit, and Métis families. The programs place a strong emphasis on partnerships and community capacity-building, and represent important upstream investments in the health and social development of Canada's vulnerable children.

In March 2007, the Minister of Health appointed Dr. Khristinn Kellie Leitch as his Advisor on Healthy Children and Youth. This is an important step forward as this government works to address child health issues nationwide.

### Education

Provincial and territorial governments have authority over issues related to education. Education laws, policies, and practices in Canada reflect an "inclusive" educational approach, although it is recognized that, in some instances, education should be adapted to meet the needs of the student, in the most inclusive setting possible. The curriculum across the country includes instruction aimed at combating stereotypes and discrimination, and fostering respect and equality.

Through settlement programs and information funded by Citizenship and Immigration Canada, newcomers to Canada receive information about family life and parenting in the Canadian context. Settlement services for newcomers are delivered by hundreds of organizations across Canada many of which use curriculum / orientation materials on these topics. Two Government publications for newcomers have relevant sections on family life and parenting in Canada:

- "A Newcomer's Introduction to Canada"  
[cic.gc.ca/english/resources/publications/guide/section-08.asp](http://cic.gc.ca/english/resources/publications/guide/section-08.asp)
- "Welcome to Canada"  
[cic.gc.ca/english/resources/publications/welcome/wel-14e.asp](http://cic.gc.ca/english/resources/publications/welcome/wel-14e.asp)

## **Part 3 – Combating Exploitation and Violence against Children**

*The Standing Senate Committee's Report included five recommendations relating to this theme: Recommendations 2, 3, 4, 5, and 6.*

There is no doubt that keeping children safe and protecting them from violence is a parent's priority, and a priority for the Government. As society changes so do the types of situations which can potentially exploit or hurt children. Bullying, for example, no longer only takes place on the path home from school but also on the Internet, and via cell phones and text messages. The Internet facilitates the spread of pornography, and, in a world where travel is fast and accessible, children may be more easily trafficked to work as servants or in the sex trade far away from their home country. Sadly, crimes of violence within a family continue to be a reality for some children in Canada.

Clearly, crime prevention and detection strategies must also evolve to protect society, and its children. With education and awareness now recognized as important weapons in the fight against crime, the Government is working with the provincial and territorial governments and with national and local organizations on awareness and skills-building programs, and is supporting community-based crime prevention strategies.

### Bullying

The Public Health Agency of Canada's Centre of Excellence for Youth Engagement works to combat bullying and improve prevention programs at the local level. The Centre partnered with the Canadian Public Health Association to conduct a study on bullying, and developed an assessment toolkit to improve school anti-bullying programs.

The Agency's Aboriginal Head Start in Urban and Northern Communities program reinforces positive behaviours through its cultural programming. A 2006 evaluation found that children who had participated in the program showed more empathy and caring, with more positive interactions and improved conflict resolution skills. In addition, the Department of Canadian Heritage's Urban Multipurpose Aboriginal Youth Centres Initiative aims to improve the economic, social, and personal prospects of urban Aboriginal youth by addressing bullying and encouraging community involvement. Indian and Northern Affairs Canada also supports First Nations in pursuing their own projects aimed at bullying. For example, the Nisichawayasihk Cree Nation in Manitoba led workshops with parents and community groups on bullying.

### Sexual exploitation of children

The Government of Canada has made the protection of children against all forms of sexual exploitation, including commercial sexual exploitation, a priority. Toward this end, the Government takes a multi-disciplinary and multi-sectoral approach that focuses on criminal law, the development of tools and other strategies for law enforcement, and support for non-governmental organizational and community efforts to combat the sexual exploitation of children.

The *Criminal Code* provides comprehensive protection against all forms of child sexual abuse and exploitation. Specifically, Canada's criminal laws prohibit all forms of sexual touching or other sexually exploitative behaviour involving young people; the offering of or procurement of anyone under the age of 18 years for the purpose of prostitution; using the Internet for the purpose of "luring" or facilitating the commission of sexual or abduction offences against children; and all forms of child pornography, be it in visual, written, or audio format. Former Bill C-22, *An Act to amend the Criminal Code (age of protection)* proposed raising the age of protection, or age of consent, in Canada from 14 to 16 years of age to better protect youth from adult sexual predators. This Bill was supported by all parties and the Government will be seeking continued support for these reforms in the new Session of Parliament.

The Government recognizes, however, that combating child sexual exploitation requires both stronger laws and focused law enforcement.

The *National Strategy for the Protection of Children from Sexual Exploitation on the Internet* was launched in 2004. The strategy, led by Public Safety Canada, includes three broad objectives with defined and measurable goals for which funding was provided ( \$ 42.1 million over five years):

- The Royal Canadian Mounted Police's National Child Exploitation Coordination Centre received funding to enhance law enforcement and training capacity to combat child sexual exploitation on the Internet and provide leadership within the Canadian policing community (\$ 34.34 million over five years);
- Public Safety Canada signed an agreement with Cybertip.ca to: become the national reporting tipline where the public can report suspected cases of child sexual abuse on the Internet; and, offer safety tips for children using the Internet (\$ 3.5 million over five years);

Industry Canada received funding to provide public education on child sexual exploitation to individuals and groups, including students, parents and teachers, and build stronger partnerships among governments, industry and other stakeholders (\$ 3 million over five years).

Cybertip.ca , operated by the Canadian Centre for Child Protection with the support of the Government, is a centralized web portal for receiving and triaging reports from the public on suspected cases of child sexual exploitation and abuse. Cybertip.ca, through their program *Kids in the Know*, engages, empowers, and educates children with interactive safety education programs for increasing their personal safety and reducing their risk of sexual exploitation. Material for parents and educators is also accessible on the web site ([www.kidsintheknow.ca](http://www.kidsintheknow.ca))

Budget 2007 allocated an additional \$6 million to strengthen existing federal initiatives to combat the child sexual exploitation and the trafficking of children.

Public Safety Canada, through its National Crime Prevention Strategy, has supported prevention of child sexual exploitation through a range of initiatives including:

- direct outreach teams dedicated to reducing the number of children and youth involved in sex trade work, and
- action research to gain critical knowledge about boys involved in the sex trade.

Through Health Canada and the Public Health Agency of Canada, the Government is also working to address social determinants of health. Poverty, poor nutrition, alcohol/substance abuse, and family violence can all contribute to making young people more vulnerable to sexual exploitation. The Women's Program, Status of Women Canada, provides funding to address sexual exploitation in Canada, with a particular focus on Aboriginal, immigrant and visible minority women, and young girls.

The Government's commitment to combating child sexual exploitation extends beyond Canada's borders. The Canadian International Development Agency supports a broad range of initiatives specifically targeted at preventing the commercial sexual exploitation of children, to assist victims, and to promote and protect human rights, particularly those of women and children. The Government has also developed an online publication entitled *Child Sex Tourism- It's a Crime*,

which puts Canadians on notice that they can be prosecuted in Canada for sexual offences committed against children in foreign countries. [voyage.gc.ca/main/pubs/child\\_endure-en.asp](http://voyage.gc.ca/main/pubs/child_endure-en.asp)

### Family violence

The Public Health Agency of Canada leads the federal Family Violence Initiative, connecting 15 departments and agencies. The Initiative promotes public awareness of the risk factors of family violence, including child maltreatment, and the need for public involvement in responding to it; strengthens the criminal justice, housing and health systems' capacity to respond; and supports data collection, research and evaluation efforts to identify effective interventions. The Agency operates the National Clearinghouse on Family Violence, a Canadian resource centre for information on violence occurring within relationships of kinship, intimacy, dependency, or trust.

Under the Shelter Enhancement Program, the Canada Mortgage and Housing Corporation assists in repairing, rehabilitating, and improving existing shelters for women and children, and youth who are victims of family violence. The Program also assists with the acquisition and construction of new shelters and second stage housing where needed.

Indian and Northern Affairs Canada also has a Family Violence Prevention Program which provides approximately \$18.5 million annually towards the operation of a network of 35 emergency women's shelters and to family violence prevention projects on-reserve such as workshops, seminars and conferences.

The Correctional Service of Canada has a National Family Violence Prevention Strategy, which offers programs to address the issue of family violence with federal offenders in federal correctional institutions.

The Canadian Incidence Study of Reported Child Abuse and Neglect is a national surveillance program led by the Public Health Agency of Canada. Every five years, there is a national study of the incidence of child abuse and neglect reported to child welfare services across Canada. The data and reports increase awareness of the types and severity of child abuse and neglect, and provide evidence-based research to ground the development of policies and programs aimed at preventing child maltreatment. ([www.phac-aspc.gc.ca/cm-vee/index.htm](http://www.phac-aspc.gc.ca/cm-vee/index.htm))

Justice Canada recently launched a web site designed for pre-teens, aged 10 to 12, and early teens, aged 13 to 15, who are experiencing family violence or know someone who is. [Familyviolencehurts.gc.ca](http://Familyviolencehurts.gc.ca) uses colourful graphics and simple language to give young people information on the law, the types of abuse or violence that can occur in families, how to seek help, and what young people can expect when they seek help. Postcards promoting the site have been distributed.

### United Nations *Study on Violence Against Children*

Canada values the intersectoral, international work underway through the collaboration of the United Nations Office of the High Commissioner on Human Rights, the World Health

Organization, and UNICEF. Strategies to prevent violence against children are most effective when sectors collaborate to address the underlying issues that affect children and their families. With this in mind, the Government maintains its interest in follow up to the Study's recommendations and has provided the United Nations *Study on Violence Against Children* to provincial and territorial partners who are working on family violence prevention and human rights.

#### Children in situations of armed conflict

Canada ratified the *Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict* on February 12, 2000. Article 1 says, "States Parties shall take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years do not take a direct part in hostilities."

Canada allows 16 and 17-year-olds to join the Canadian Forces. Age enrollment requirements are codified in Regulations made pursuant to the *National Defence Act, Queen's Regulations and Orders for the Canadian Forces*, Chapter 6, [admfincs.forces.gc.ca/qr\\_o/vol1/ch006\\_e.asp#6.01](http://admfincs.forces.gc.ca/qr_o/vol1/ch006_e.asp#6.01). The consent of a parent or guardian is necessary before a recruit under the age of 18 may be enrolled as a non-commissioned member or officer. The Government has provided an explanatory statement to the United Nations describing the conditions under which 16 and 17-year-olds are allowed to enroll in the Reserves, attend military college, or join the Canadian Forces.

The Government of Canada has an open and transparent recruitment policy, [recruiting.dnd.ca/v3/engraph/home/home.aspx](http://recruiting.dnd.ca/v3/engraph/home/home.aspx) and does not intend to bar young people under 18 from joining the Reserves or the Canadian Forces. On the contrary, it recognizes the value of providing educational and employment options for Canada's youth, who are the age group with the highest rates of unemployment in Canada (Statistics Canada June 2007 Labor Force Survey). This experience can lead to positive career opportunities at the Royal Military College of Canada or the Canadian Forces Primary Reserve.

The Department of National Defence tracks the involvement of those under 18 in the Canadian Forces. As of July 5, 2007, the Canadian Forces had 139 sixteen and seventeen-year-old-members within its regular forces, and 2,194 sixteen and seventeen-year-old-reservists. These young people have not taken part in hostilities.

## **Part 4 – Protecting Vulnerable Children**

*The Standing Senate Committee's Report included five recommendations relating to this theme: Recommendations 8, 12, 16, 17, and 18.*

Children are vulnerable for many reasons – their age, their dependence, their physical and mental immaturity, their lack of experience. Some children are even more vulnerable because of their minority status, the experiences they have lived, or the circumstances in which they find themselves. Actions to protect the most vulnerable in Canada's society are essential to their individual well-being and benefit society as a whole.

### Aboriginal children

Aboriginal children, living on or off reserve, face many challenges. Government programs are designed to be culturally appropriate and to improve Aboriginal children's immediate situation and their long-term opportunities.

There is a significant gap in housing conditions between Aboriginal and non-Aboriginal Canadians. To help address housing needs, the Government continues to make strategic investments in housing on and off-reserve, as noted in the earlier section on housing.

Through Health Canada, the Government funds several programs to provide in-home supports for children. Budget 2005 allocated \$ 110 million over five years to the Maternal Child Health Program to develop maternal child health services for First Nations living on reserve. Additionally, the Public Health Agency of Canada, provides \$ 40 million in funding annually, until 2010, to extend the reach of Aboriginal Head Start in Urban and Northern Communities to off-reserve First Nations, Inuit, and Métis children and their families.

The National Aboriginal Youth Suicide Prevention Strategy began in 2006. The Assembly of First Nations, Inuit Tapirit Kanatami, and the First Nations and Inuit Health Branch, Health Canada, are working together to implement this Strategy, which provides funds to communities to design and deliver locally-based suicide prevention programs.

White Stone is another national suicide prevention program run through the Royal Canadian Mounted Police that trains Aboriginal youth to be a resource for youth in their community. The program has two components: (1) teaching young adults and community care givers about suicide prevention, and identifying those at risk and; (2) giving them the knowledge and skills to talk to youth and others about suicide related issues, including presenting suicide prevention education sessions to youth in their home community.

While some programs focus on First Nations and Inuit, the Office of the Federal Interlocutor for Métis and Non-Status Indians works to find practical ways to improve the socio-economic condition of these other Aboriginal peoples. This includes advocating for greater recognition of the needs of off-reserve Aboriginal people among appropriate federal departments, and developing partnerships with provincial and territorial governments, Aboriginal organizations, and others.

Indian and Northern Affairs Canada is working in partnership with provinces and First Nations to improve First Nations Child and Family Services on reserve using a successful provincially-enhanced prevention model. Beginning in 2007-2008, a prevention-focused approach to child and family services on reserve will help to prevent First Nations children from coming into care unnecessarily. On April 27th, 2007, the Government of Canada announced additional investments for a prevention-focused approach for Alberta First Nations on reserve.

The Aboriginal Justice Strategy, a Department of Justice program, funds communities to develop their own mediation services for youth and families at risk of becoming involved in the mainstream justice and/or child welfare system.

Recognizing the importance of cultural connections, the Government, through the Department of Canadian Heritage, funds the Aboriginal Languages Initiative, which supports Aboriginal community organizations efforts to preserve and promote First Nations, Inuit, and Métis languages. Some projects deal specifically with the intergenerational transmission of Aboriginal languages to children.

In addition, the Government believes that First Nation schools in Canada benefit greatly from having qualified Aboriginal teachers in their classrooms. To that end, Indian and Northern Affairs Canada currently invest \$ 5 million per year to recruit and retain qualified Aboriginal teachers to work in Band schools.

Health Canada has recently released, for the first time, a complementary version of “Eating Well with Canada’s Food Guide”, that reflects the values, traditions and food choices of Aboriginal Peoples. This tailored guide recognizes the importance of both traditional and store-bought foods for First Nations, Inuit, and Métis.

The Government shares the view of the Standing Senate Committee that section 67 of the *Canadian Human Rights Act* should be repealed in order to increase access to protection under the Act. At present, according to section 67 of the *Canadian Human Rights Act*, the Act's human rights mechanisms do not apply to "any provision of the *Indian Act* or any provision made under or pursuant to that Act". Bill C-44, An Act to amend the *Canadian Human Rights Act* which was introduced on December 13, 2006 proposed to repeal section 67 of the *Canadian Human Rights Act*. Bill C-44 was before the Standing Committee on Aboriginal Affairs and Northern Development when Parliament was prorogued on September 14, 2007. Access to and the protection of human rights is of paramount importance and should apply to all Canadians, regardless of whether or not they live on reserves. To that end, the Government remains committed to the repeal of section 67 of the *Canadian Human Rights Act*.

The Government continues to look for ways to involve Aboriginal leadership in the development and review of policies that have an impact on First Nations and Inuit children and youth. For example, Indian and Northern Affairs Canada has a First Nations Child and Family Services Advisory Committee which brings together First Nations leaders and provincial and territorial government officials to promote cooperative endeavours.

#### Children in conflict with the law

The Department of Justice recently released a consultation paper on the pre-trial detention of youth under the *Youth Criminal Justice Act*. The consultation paper is part of a comprehensive review of pre-trial practices and provisions that apply to youth facing criminal charges. One consultation question is: “Should the *Youth Criminal Justice Act*, in accordance with the United Nations *Convention on the Rights of the Child*, prohibit placing young persons and adults in the same facilities for purposes of pre-trial detention?” Although the Act says that young people in custody should be held separate and apart from an adult in custody, the rule is not absolute. On rare occasions, for reasons of safety or geography, young people may be held with adults. The



Government looks forward to receiving replies from the consultation, and plans to broaden the scope of the review to include the detention of young people after conviction, recognizing that the administration of justice, including detention issues, is a matter of provincial / territorial jurisdiction.

As the *Youth Criminal Justice Act* has been in effect for almost five years, the Government is planning to review key elements of the Act, including an analysis of how alternative measures are being used.

The Government will continue to work collaboratively with the provincial and territorial governments, through the Coordinating Committee of Senior Officials (Youth Justice), to identify improvements to make to the youth criminal justice system.

The Government also supports a variety of strategies aimed at preventing children and families at risk from coming into conflict with the law. For instance, with the belief that good health reduces vulnerability, the Community Action Program for Children and the Canada Prenatal

Nutrition Program, funded through the Public Health Agency of Canada, provide funding to community-based groups to deliver comprehensive, culturally-appropriate prevention and early intervention programs to serve the needs of at-risk children, from newborns to age six, and their families.

The Department of Public Safety, through its National Crime Prevention Centre, funds initiatives that seek to identify and support children and youth who are at risk of coming into conflict with the law. For example, initiatives have focused on children under 12 years of age who are engaging in unlawful behaviour, children and youth at risk of joining a gang, youth at risk of recidivism, and youth involved in drug-related crimes. The Centre's initiatives bring representatives of the law enforcement, education, child protection, and health systems together to develop coordinated, evidence-based responses. The Centre has also contributed to the development and testing of internationally-recognized assessment tools, and has disseminated information about children and youth at risk of coming into conflict with the law.

#### Children with a parent who is incarcerated

Research has documented that children who have a parent who is incarcerated have a greater risk for depression, aggressive behaviour, withdrawal, and criminal involvement. The National Crime Prevention Strategy is involved in initiatives with children, who have an incarcerated parent, to try to prevent a family cycle of criminal behaviour.

#### Child witnesses in court

The *Canada Evidence Act* has been amended to recognize the capacity of child witnesses, under the age of 14, to testify. These changes have greatly reduced the trauma for child witnesses, who, previously, before being permitted to testify, had to undergo a mandatory two-part inquiry into their competency and their understanding of an oath or affirmation. Now children under 14 are presumed competent to testify and provide their testimony on a promise to tell the truth.

Amendments to the *Criminal Code* have made testimonial aids available to young victims and witnesses under the age of 18, in any proceeding, on request. They do not have to prove that the assistance is necessary. Testimonial aids include having a support person present while the child testifies; allowing a child to testify behind a screen or outside the courtroom by closed-circuit television, so that the accused is not visible; appointing counsel to conduct the cross-examination of a child when the accused is unrepresented; excluding some or all members of the public from part or all of the courtroom proceedings; and ordering a publication ban to prevent the publication of any information that can identify a child witness. Previously, these aids were only available when their need could be demonstrated in sexual or other violent offences proceedings. These testimonial aids make it easier for child victims and witnesses to give evidence in court.

### Migrant children

In the Canadian context, migrant children are understood to be non-nationals living in Canada or coming to Canada. In most cases, they are on a continuum that leads to citizenship. They may be part of a skilled worker application or sponsored family, or they may be refugees or asylum seekers. They are most likely to be with their parents or other family members but they may also arrive in Canada unaccompanied or separated. In some cases, child migrants may be victims of human trafficking. Both the Canada Border Services Agency and Citizenship and Immigration Canada have programs and policies in place to assist and protect vulnerable migrant children within their respective mandates.

The following section provides an overview of some situations raised by the Committee and the ways in which the Government protects and assists migrant children. Policy and program responses are necessarily dependent on the actual circumstances and migration status of the child, but Citizenship and Immigration Canada and Canada Border Services Agency are guided by the *Immigration and Refugee Protection Act* (IRPA), which recognizes that the best interests of the child are a primary consideration.

Overseas visa offices receive resources to match government targets and objectives. Within this context, reuniting families as quickly as possible is a priority for the Government of Canada and a key part of the mandate of Citizenship and Immigration Canada. In overseas family reunification, Citizenship and Immigration Canada works to fulfill its commitment to process most of these cases within 6 months. In the case of overseas refugee children, concurrent processing of refugee family members who are residing in different locations is facilitated. In the case of resettlement of eligible separated minors from overseas, a Guardianship Protocol adopted in 2006 provides visa and settlement officers with instructions on how to facilitate the resettlement of children, for whom there is no adult available, capable and willing to care for them either abroad or in Canada.

A cornerstone of Canada's immigration program is that individuals who want to immigrate to Canada must apply for permanent residence from outside the country. However, as part of the Spouse or Common-law Partner in Canada class, children can also be sponsored from inside Canada as accompanying dependents. Finally, Humanitarian and Compassionate consideration (H&C) is always available for migrant children who may have special circumstances which should be taken into consideration in the assessment of their application. In 2005, enhanced

guidelines were developed to assist immigration officers making such an assessment including considering the child's emotional, social, cultural, and physical welfare.

When unaccompanied, separated or otherwise possibly vulnerable children arrive at a port of entry, or if they are encountered anywhere within Canada, border service officials are trained to pay extra attention to all children and to refer a child to the appropriate provincial or territorial child protection agency, when there is a concern that the child may be at risk. Border officials are instructed and trained to be aware of factors such as age, gender, cultural background, and the child's general circumstances and to take into consideration the principle of the best interests of the child. A child may only be detained as a measure of last resort, and a school-aged child in detention must be provided with educational and recreational opportunities as well as counselling after having been detained for seven days. This policy was implemented with Canada's obligations under the *Convention* in mind.

In cases where an adult who is being removed has dependent children, these children are returned to their countries of origin or nationality with their parents, in keeping with the principle of family reunification. Returning an unaccompanied child to his or her country of origin, or nationality, however, is a complex process and is based on the requirements of the *Immigration and Refugee Protection Act*, the *Canadian Charter of Rights and Freedoms* and the UN *Convention on the Rights of the Child*. The Canada Border Services Agency works closely with Canadian child welfare agencies to safeguard the best interests of the child and to identify a family member who will be a suitable guardian for the child in the country of origin. Return only takes place once a suitable reception is arranged for the child in the foreign country. In some circumstances a Canadian child welfare agency may be asked to escort the child safely to this reception.

### Sexual minority youth

The Centre of Excellence for Youth Engagement carries out research projects to develop and deliver peer-to-peer support programs and assist in the development of peer education regarding sexual and reproductive health. Literature reviews are conducted which examine the climate of hate, such as stereotypes, myths, negative attitudes, and how these impact the health of sexual minority youth. Conferences and workshops present valuable opportunities to understand diversity and inform the policy and program development process.

Information is also collected on sexual minority youth who are over the age of 18 from a number of different sources. One current data source is the Canadian Community Health Survey (CCHS), which is a cross-sectional, biennial survey conducted by Statistics Canada. The Survey collects information related to health status, health care utilization, and health determinants for the Canadian population. Data are based on interviews with more than 130,000 respondents aged 12 years and older, residing in households in all provinces and territories. Beginning in 2003, the CCHS began gathering information on sexual orientation for individuals 18 years of age and older in order to improve the understanding of health issues specific to homosexual and bisexual Canadians, including determinants of health such as physical activity, life stress, and access to health care. In addition to information on sexual orientation, the CCHS also collects other socio-demographic information, such as country of origin, ethnicity, race, and Aboriginal status.

Another data source for information on sexual minority youth is the General Social Survey (GSS). This annual Statistics Canada survey of individuals aged 15 years or older monitors changes in Canadian society and provides information on specific policy issues or current or emerging interest. In 2004, the GSS collected information on the sexual orientation of those aged 18 and older and asked respondents whether they had experienced discrimination due to their sexual orientation and whether they had been the victim of a hate crime based on sexual orientation.

## **The Way Forward**

The Government appreciates the care and concern that the Standing Senate Committee on Human Rights has shown for children in its Report. It has provided guidance on the way forward, and has encouraged a continued commitment to collaborative efforts to meet Canada's obligations under the *Convention*.

The very process of answering the Committee's Report required extensive discussions and collaboration throughout the federal government, ensuring that policies and programs were again considered through the lens of the best interests of the child principle and the United Nations *Convention on the Rights of the Child*. There is no doubt that children are the ultimate beneficiaries of this work.

The Government acknowledges that meeting the needs of children is an on-going process, requiring commitment and diligence. The Government will not waver from its goal of making Canada a better place for children and their families.