



# UNCRC Concluding Observations Canada

October 2012

The Government of Canada appeared before the United Nations Committee on the Rights of the Child (Committee) on September 26, 27, 2012 to undergo a review of its compliance with the UN Convention on the Rights of the Child (UNCRC). The Committee released its findings and recommendations in a document called Concluding Observations on October 5, 2012. Overall, the Committee called on the Government of Canada to better ensure that Aboriginal children enjoy the same access, and quality of services, available to all other children and to take measures to ensure the cultures and languages of Aboriginal children are respected and supported. The UNCRC also noted that Canada cannot excuse rights violations due to the federalist structure of the country.

This document provides a summary of the Concluding Observations that specifically reference Aboriginal children and young people with regard to child welfare, health, poverty, education, and juvenile justice. Readers are encouraged to review the full text of the Concluding Observations at: [http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-CAN-CO-3-4\\_en.pdf](http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-CAN-CO-3-4_en.pdf).

## Child welfare

### Observations

The Committee expressed numerous concerns regarding Canada's current treatment of Aboriginal children in the child welfare system. With regard to the general principle of non-discrimination, the Committee was particularly distressed that discrimination continues to be prevalent and is evident through the significant over-representation of Aboriginal children in the child welfare system and the lack of action following the Auditor General's findings<sup>1</sup> of inequitable funding for Aboriginal child welfare. There were concerns about loss of identity and culture as there are inadequate cultural supports while Aboriginal children are in out-of-home care. The Committee was disturbed by removals

of children from their families as a "first resort in cases of neglect or financial hardship or disability" (p.12) and went on to outline the following concerns for children while in the care of child welfare: inappropriate placements, poorer outcomes, abuse and neglect, inadequate preparation for life after care, caregivers with little training or preparation and for Aboriginal children in particular, placements in homes outside of their communities.

### Recommendations

- 33(d). Take immediate steps to ensure that in law and practice, Aboriginal children have full access to all government services and receive resources without discrimination.
43. The Committee urges the State party to ensure full respect for the preservation of identity for all children, and to take effective measures so as to ensure that Aboriginal children in the child welfare system are able to preserve their identity. To this end, the Committee urges the State party to adopt legislative and administrative measures to account for the rights, such as name, culture and language, of children belonging to minority and indigenous populations and ensure that the large number of children in the child welfare system receive an education on their cultural background and do not lose their identity.
56. The Committee urges the State party to take immediate preventive measures to avoid the separation of children from their family environment by providing appropriate assistance and support services to parents and legal guardians in performance of child-rearing responsibilities, including through education, counselling and community-based programmes for parents, and reduce the number of children living in institutions. Furthermore, the Committee calls upon the State party to:
  - (a) Ensure that the need for placement of each child in institutional care is always assessed by competent, multidisciplinary teams of professionals and that the initial decision of

<sup>1</sup> Auditor General of Canada Report. (2008). *Chapter 4: First Nations Child and Family Services Program-Indian and Northern Affairs Canada*. Office of the Auditor General. Retrieved from: [http://www.oag-bvg.gc.ca/internet/English/parl\\_oag\\_200805\\_04\\_e\\_30700.html#hd5i](http://www.oag-bvg.gc.ca/internet/English/parl_oag_200805_04_e_30700.html#hd5i)

placement is done for the shortest period of time and subject to judicial review by a civil court, and is further reviewed in accordance with the Convention;

- (b) Develop criteria for the selection, training and support of childcare workers and out-of-home carers and ensure their regular evaluation;
- (c) Ensure equal access to health care and education for children in care;

(d) Establish accessible and effective child-friendly mechanisms for reporting cases of neglect and abuse and commensurate sanctions for perpetrators;

(e) Adequately prepare and support young people prior to their leaving care by providing for their early involvement in the planning of transition as well as by making assistance available to them following their departure; and

(f) Intensify cooperation with all minority community leaders and communities to find suitable solutions for children from these communities in need of alternative care, such as for example, kinship care.

## Health and Poverty

### Observations

There are concerns about health including violence against Aboriginal women and girls, mental health of Aboriginal children and continued high suicide rate. The Committee also noted the Government of Canada's lack of a national poverty initiative as well as concerns about the inequities and inadequacies of welfare services in meeting needs of Aboriginal children.

### Recommendations

- 47(b) Ensure that the factors contributing to the high levels of violence among Aboriginal women and girls are well understood and addressed in national and province/territory plans.
- 66(a) Strengthen and expand the quality of interventions to prevent suicide among children with particular attention to early detection, and expand access to confidential psychological and counselling services in all schools, including social work support in the home.
- 68(c) Ensure that funding and other support, including welfare services, provided to Aboriginal, African-Canadian, and other minority children, including welfare services, is comparable in quality and accessibility to services provided to other children in the State party and is adequate to meet their needs.

## Education and Justice

### Observations

With regard to education and Aboriginal children, the Committee commented on the high dropout rate as well as "inappropriate and excessive use of disciplinary measures applied in school". The Committee also drew attention to the fact that Aboriginal youth are more likely to be involved in the criminal justice system than to graduate from high school.

### Recommendations

- 17. The Committee recommends that the State party establish a budgeting process which adequately takes into account children's needs at the national, provincial and territorial levels, with clear allocations to children in the relevant sectors and agencies, specific indicators and a tracking system. In addition, the Committee recommends that the State party establish mechanisms to monitor and evaluate the efficacy, adequacy and equitability of the distribution of resources allocated to the implementation of the Convention. Furthermore, the Committee recommends that the State party define strategic budgetary lines for children in disadvantaged or vulnerable situations that may require affirmative social measures.
- 54. The Committee recommends that the State party intensify its efforts to render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities with timely responses at the local level, including services to parents who need counselling in child-rearing, and, in the case of Aboriginal and African Canadian populations, culturally appropriate services to enable them to fulfil their parental role. The Committee further encourages the State party to provide education opportunities for pregnant girls and teenage mothers so that they can complete their education.

- 70(b) Develop a national strategy, in partnership with Aboriginal and African Canadian communities, to address the high dropout rate of Aboriginal and African Canadian children.
- 70(c) Take measures to prevent and avoid suspension and the referral of children to police as a disciplinary measure for Aboriginal and African Canadian children and prevent their reassignment to alternative schools while at the same time ensuring that professionals are provided with the necessary skills and knowledge to tackle the problems.
- 86(e) Conduct an extensive study of systemic overrepresentation of Aboriginal and African Canadian children and youth in the criminal justice system and develop an effective action plan towards eliminating the disparity in rates of sentencing and incarceration of Aboriginal and African Canadian children and youth, including activities such as training of all legal, penitentiary and law enforcement professionals on the Convention.

