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Canada's Second Periodic Report
Committee On The Rights of the Child

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**Convention on the
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COMMITTEE ON THE RIGHTS OF THE CHILD

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION**

Second periodic reports of States parties due in 1999

CANADA* **

[3 May 2001]

* For the initial report submitted by the Government of Canada, see CRC/C/11/Add.3, for its consideration by the Committee, see documents CRC/C/SR.214-217 and CRC/C/15/Add.37.

** This document has been submitted as received without formal editing.

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Introduction

1. Canada ratified the *Convention on the Rights of the Child* on December 13, 1991. This document constitutes the second report submitted by Canada under the terms of the *Convention on the Rights of the Child*. The document covers, in the main, the period of January 1993 to December 1997. Occasional exceptions to the review period do occur and are identified.
2. Canada is a federal state comprised of ten provinces (Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland, Nova Scotia, Ontario, Prince Edward Island, Québec and Saskatchewan) and two territories¹ (Northwest Territories and Yukon). While the ratification of international treaties is the prerogative of the Government of Canada, implementation of the treaties requires the active participation of the governments which have jurisdiction over the subject matters covered. In Canada, the responsibility for areas covered by the *Convention on the Rights of the Child* is shared by the Government of Canada, the provincial governments and, following a delegation of authority by the Parliament of Canada, the territorial governments.
3. The present report contains information on measures adopted by the Government of Canada and the provincial and territorial governments within the stated period.
4. Throughout the report, references to Aboriginal children include children with Indian status under the *Indian Act*, non-status Indian children, and Métis and Inuit children. The phrase “Aboriginal children” is used rather than “indigenous children”, because the Constitution of Canada refers to the Aboriginal peoples of Canada.
5. Federal, provincial and territorial ministers responsible for human rights, and their officials, maintain ongoing liaison and information exchanges with respect to the implementation of international human rights instruments, including the Convention, through a mechanism known as the (federal-provincial-territorial) Continuing Committee of Officials on Human Rights.
6. As with other human rights instruments, the Continuing Committee will keep provincial and territorial governments apprised of any comments that the Committee on the Rights of the Child may make on the scope of the rights guaranteed by the present Convention.

¹ A third territory, Nunavut, came into existence on 1 April 1999.

PART I: MEASURES ADOPTED BY THE GOVERNMENT OF CANADA

I. GENERAL MEASURES OF IMPLEMENTATION

A. Implementation by States - Article 4

7. The *Convention on the Rights of the Child* plays an important role in the development and implementation of children's rights in Canada. From 1993 to 1997, the Government of Canada introduced numerous measures to enhance the well-being of children. During this time, the Convention influenced Government of Canada policy strategies, action plans, and initiatives. It affected judicial decisions concerning the *Canadian Charter of Rights and Freedoms*, relevant legislation and the common law. The Convention has been specifically considered in legislative developments in the areas of child prostitution, child sex tourism, criminal harassment and female genital mutilation, as well as in the ongoing renewal of youth justice.

8. In the early and mid-1990s, Canada's public finances were threatened by budget deficits and a high national debt. This situation represented a risk to social programs and the quality of life of Canadians. The Government of Canada has undertaken measures to restore Canada's fiscal security by reviewing public expenditures and establishing targets for the reduction of budget deficits. Through the efforts of all Canadians, the Government of Canada has achieved its deficit reduction targets, and is now able to consider and implement re-investments of public expenditures in areas of concern for Canadians. In this way, the decisions made by the government after 1997 follow the policies pursued during the 1993 to 1997 period.

9. Despite the difficult fiscal situation described above, the 1993 to 1997 period witnessed the development of a number of important initiatives on the part of the Government of Canada designed to assist children and families. It is expected that these initiatives as a whole, including recent measures taken by the government to consolidate Canada's strong economic performance, will contribute to a sustained and improved quality of life for Canadian children and families. The present report provides a description of measures undertaken by the Government of Canada as well as a portrait of the progress made by Canadian children from 1993 to 1997. Many important initiatives relevant to children in Canada were adopted after 1997 and are not therefore the focus of this report.

Measures in Force

Domestic

10. Several departments and agencies within the federal government share responsibility for measures related to children and youth. In 1995-96, federal spending on children was approximately \$9.8 billion. Of this, \$8.1 billion supported direct programming and services for children and \$1.6 billion was for indirect activities. In addition to this \$9.8 billion, a significant portion of the \$29.6 billion of federal transfers to provincial and territorial governments in 1995-96 provided income support, health services and a range of social services to children and families.

11. The importance of collaboration, consultation and developing new ways of working together to achieve an integrated approach to child and youth issues is recognized by federal, provincial and territorial governments. At their meeting in June 1996, Canada's first ministers identified investment in children as a national priority. In January 1997, the *National Children's Agenda* (NCA), a federal-provincial-territorial and multi-sectoral initiative, was launched to develop a shared vision and common goals to enhance the well-being of Canada's children. In addition to input from governments, the NCA plans to involve a broad spectrum of Canadians through consultation with key stakeholders and representatives of the public.

12. As part of the NCA initiative, the 1997 federal budget announced the Government of Canada's contribution to the National Child Benefit (NCB) system. The NCB is aimed at improving the well-being of Canadian children living at risk as a result of economic insecurity or poverty. The NCB also aims to address the so-called "welfare wall" problem, where the structure of benefits are such that families on social assistance were often better off than families in which parents worked in low-paying jobs, thus making it difficult for parents to join or stay in the workforce. The objectives of the NCB are to help prevent and reduce child poverty, to help parents of low-income families participate in the workforce, and to reduce overlap and duplication through closer harmonization of programs and simplified administration. The Government of Canada's contribution to the NCB is delivered through a special supplement to the Canada Child Tax Benefit (CTB). Established in January 1993, the CTB is a broad-based federal government initiative to assist families with children. The program provides monthly tax-free benefits to low- and middle-income families on behalf of each dependent child under 18 years of age.

13. The first phase of the NCB was implemented in July 1998. In July 1999, the special supplement to the CTB (also referred to as the NCB supplement) was again increased. After the increases scheduled for July 2000, federal government investment in the CTB will have risen by approximately 40 percent relative to 1996. These enrichments will result in increased benefits for 1.4 million low-income families. A low-income family with two children will receive up to 48 per cent more assistance in 2000 than in 1996.

14. In 1997, the Prime Minister of Canada created the position of Secretary of State for Children and Youth. The Secretary of State works with Federal Ministers such as the Minister of Human Resources Development and the Minister of Health, on issues affecting the well-being of children and youth. The current Secretary of State has identified fetal alcohol syndrome, youth unemployment and youth homelessness for priority attention.

15. Canada's federal, provincial and territorial governments work together to support the health and well-being of children. In 1996, a Federal-Provincial-Territorial Council of Ministers on Social Policy Renewal was established to coordinate the renewal of Canada's social programs with support from the Health, Education, Social Services and Justice sectors. On February 4, 1999, the *Social Union Framework Agreement* was signed by all first ministers, with the exception of the Premier of Quebec. The Agreement provides a collaborative framework to strengthen Canada's health and social programs to better meet the needs of Canadians. Among

its agreements, it includes commitments to work in partnership to remove social policy barriers to mobility within Canada, to strengthen accountability to Canadians, and to promote enhanced consultation, cooperation and information sharing between governments, especially in relation to major changes to a social policy or program likely to affect other governments.

16. Supported by research that demonstrates the importance of health and social investments during the early years of life, the Government has introduced and enhanced a number of innovative initiatives to help Canadian children develop to their full potential. Federal programs such as the Community Action Program for Children (CAPC), the Aboriginal Head Start Program (AHS) and the Canadian Prenatal Nutrition Program (CPNP) recognize the importance of early childhood development, parental involvement and education, cross-sectoral approaches for children's well-being, and partnerships with other governments, non-governmental agencies and communities.

17. In May 1997, Bill C-27 amended the *Criminal Code* to allow for the Canadian prosecution of persons who engage in child sex tourism and to facilitate the apprehension and prosecution of persons who seek out the services of juveniles in Canada. The bill also included provision for a mandatory minimum sentence of five years imprisonment for any person living on the avails of prostitution in relation to a person under the age of 18 and who uses violence against the person under that age and assists that person in carrying on prostitution-related activities for profit.

18. The Government of Canada has also taken measures to benefit children and young people of separated parents. The *Federal Child Support Guidelines*, introduced in 1997, make child support orders fairer, more predictable and consistent.

19. Investing in children and youth is a priority of the *National Strategy on Community Safety and Crime Prevention*. The strategy supports communities in the development of innovative, sustainable ways to prevent crime and victimization and build a safer society, including the provision of necessary supports and resources for children and families.

20. In 1995, Health Canada created the Childhood and Youth Division as a federal centre for expertise, leadership and coordination for issues, activities and programs concerning children and youth. Replacing the department's Children's Bureau, the Division delivers programs, supports policy development and undertakes strategic analysis of future trends. The Division also helps to provide policy development and coordination related to the *Convention on the Rights of the Child*.

21. From 1993-1997, the Government of Canada adopted measures to enhance the well-being of Aboriginal peoples, including Aboriginal children. The *Inherent Right Policy* (1995) recognizes the right of Aboriginal peoples to govern themselves in key areas of responsibility. In response to the Report of the Royal Commission on Aboriginal Peoples (RCAP), *Gathering Strength: Canada's Aboriginal Action Plan* (January 1998) seeks to renew partnerships, strengthen Aboriginal governance, develop a new fiscal relationship between Aboriginal governments and institutions, and support communities, people and economies.

22. Measures announced as part of *Gathering Strength* include a Statement of Reconciliation by Canada, formally acknowledging and regretting historic injustices; community healing to address the effects of physical and sexual abuse in the residential schools system; an Aboriginal languages program; an on-reserve Aboriginal Head Start program; resources to increase the number of adequate housing units on reserve; and additional resources to address the inadequacies of water and sewer facilities on reserve. Other initiatives are described under the appropriate themes of this report.

23. *The National Longitudinal Survey of Children and Youth (NLSCY)*, initiated in 1994, is a research program of Human Resources Development Canada and Statistics Canada that will track the health and well-being of a large sample of Canadian children over the long-term. It will provide the government with a better understanding of the factors that contribute to positive child development and will be used by governments to develop and evaluate a wide range of policies and programs targeted at children and youth.

24. In 1993, the federal government established *Canada's SchoolNet*, a collaborative effort to connect all Canadian public schools and public libraries to the Internet by March 31, 1999. This goal was achieved, making Canada the first nation in the world to connect all its schools and libraries. The project brings together provincial and territorial governments, universities and colleges, education associations, the information technology industry and other private sector representatives. *Canada's SchoolNet* enhances the access of Canadian children to information promoting their well-being and development.

International Cooperation

25. The rights of children are a priority within Canada's foreign policy. Canada has been a leader in promoting the rights of children throughout the world and in ensuring their protection from exploitation and abuse. Canada has effected change by creating and sustaining constructive bilateral relationships with other countries and through cooperative efforts with international agencies such as UNICEF.

26. The Canadian International Development Agency (CIDA) plays a key role in ensuring Canada meets its commitments to promote the rights and improve the lives of children in developing countries and countries in transition. Advocacy for girls' and boys' rights, meeting basic human needs including those in the areas of health, nutrition and education, helping to protect children from abuse and exploitation, and promoting children's participation in decisions affecting their lives are all integral parts of CIDA's mandate for children.

27. In 1996-97, CIDA supported 156 projects with a direct or indirect impact on children in the areas of child and maternal health, immunization, basic education, micro nutrient deficiencies, institutional- and capacity-building in favour of the *Convention on the Rights of the Child*, and improved protection for children. Much of CIDA's humanitarian assistance and food aid benefits children, and CIDA provides core funding to multilateral organizations such as UNICEF and the World Health Organization. CIDA's Partnership Branch supports the work of many partners in non-governmental organizations who are working in the area of children's rights. Many additional projects for children are also supported through the Canada Funds for Local Initiatives, Gender Funds and other country-specific funds.

28. Canada's long involvement in peacekeeping missions, where it has seen first-hand the lasting and devastating effects of land mines on many civilians and children, led to the decision to spearhead the diplomatic campaign to negotiate an international ban on the weapons. In December 1997, Canada hosted the formal signing of the *Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction*, commonly known as the *Ottawa Convention*. The Government of Canada has committed resources over the next 5 years to support the removal of the millions of mines in the ground and to provide assistance to victims and nations coping with their devastating effects.

29. In 1995, Canada played a leading role at the Fourth World Conference on Women held in Beijing in securing many of the major achievements for women. Canada worked toward the adoption of a strong Platform For Action (PFA). The girl child was made one of the critical areas of concern in the PFA in recognition that "discrimination and neglect in childhood can initiate a lifelong downward spiral of deprivation and exclusion from the mainstream".

30. In 1996, Canada's Minister of Foreign Affairs appointed a Special Advisor on Children's Rights, Senator Landon Pearson, with a mandate to provide advice on children's issues, and liaise with non-governmental organizations, the academic community, the private sector and the public. The Special Advisor also participates actively in national and international initiatives on children's rights and promotes awareness of the *Convention on the Rights of the Child*.

31. Since the 1980's, Canada has been a strong supporter of international immunization, efforts to contribute to universal immunization and, in particular, the eradication of polio and the elimination of measles. From 1993 to 1997, Canada has provided approximately \$14 million per year in financial support for international immunization efforts.

32. Since 1994, Canada has supported the Girl Child Education in Africa Initiative in sub-Saharan Africa. Supported by CIDA, UNICEF offices and Canadian non-governmental organizations, 15 countries have undertaken projects that will promote basic education for girls. These projects emphasize gender sensitivity training for teachers, development of curricula that are gender sensitive, working with communities and families to promote the value of educating their girls, and increasing the capacity of the education ministries in participating countries.

33. In April 1997, the Minister of Foreign Affairs announced the creation of the *Child Labour Challenge Fund*, aimed at engaging Canada's private sector in contributing to international efforts to eliminate exploitative child labour.

34. As a follow-up to the 1996 First World Congress Against Commercial Sexual Exploitation of Children held in Stockholm, Sweden, the Government of Canada supported *Out From the Shadows - An International Summit of Sexually Exploited Youth*, held in Victoria, British Columbia, in 1998. The conference was initiated by Senator Landon Pearson, Special Advisor to the Minister of Foreign Affairs on Children's Rights, and Ms. Cherry Kingsley, a child advocate and former victim of sexual exploitation.

35. In developing countries and countries in transition, CIDA supports initiatives to increase the awareness of children's rights, including national obligations under the *Convention on the Rights of the Child*, strengthen legislative frameworks for the protection of children's rights, and build the capacity of key institutions in the public and private sectors to promote children's rights. CIDA supports initiatives to make the voices of boys and girls heard in policy-making fora and advocates to include children and youth in development assistance projects.

Government and NGO Cooperation

36. The interests and concerns of children were the focus of a national policy conference entitled *Canada's Children - Canada's Future* in November 1996. The conference's final report, which was endorsed by conference delegates, included policy recommendations and a framework for action on economic policy, income support, social supports, health, education, child care, youth justice and Aboriginal children.

37. With funding from the Department of Canadian Heritage, UNICEF Canada developed a training course on the Convention for federal officials and a guide entitled *The United Nations Convention on the Rights of the Child: A Practical Guide to its Use in Canadian Courts*.

38. With support from the Government of Canada and other partners, the Canadian Council on Social Development (CCSD) publishes *The Progress of Canada's Children*, an annual report presenting a range of health, social and economic findings related to Canadian children and their families.

39. During the reporting period, the Government of Canada worked in partnership with the voluntary sector on measures to support the effective implementation of the *Convention on the Rights of the Child* in Canada. For example, financial assistance was provided for the monitoring of the Convention's implementation in Canada by the Canadian Coalition for the Rights of Children (CCRC), an organization representing more than 50 non-governmental organizations in Canada concerned with the rights of children. Measures to integrate the principles of the Convention in professional and administrative guidelines regarding services for children and youth were also developed. Examples include a training course on the Convention for federal officials developed in partnership with voluntary organizations and a guide for the effective use of the Convention in Canadian courts.

40. From 1992 to 1996, the *Partners for Children Fund* encouraged innovative partnerships between Canadian and international non-governmental organizations, resulting in 21 international projects to promote the survival, protection and development of children. Key lessons that emerged from the completion of the Fund's initiatives centred on models for youth participation, community involvement, public awareness and education, advocacy of children's rights, and partnerships and linkages.

B. Dissemination of the Convention - Article 42

41. The Human Rights Program of the Department of Canadian Heritage distributes, upon request and free of charge, copies of the *Convention on the Rights of the Child*. Approximately 5,000 copies are distributed every year. The program also provides support to non-governmental organizations to increase awareness and knowledge of the content of the Convention and the rights it sets forth. From 1993 to 1997, many projects received funding from the Program. For instance, Human Rights Internet produced a directory of organizations involved in children and youth rights in Canada. The program also funded a youth edition of the Convention entitled *Say It Right!*, produced by the Youth Participation Committee of the Canadian Coalition for the Rights of Children.

42. In 1993, the Government of Canada named November 20th *National Child Day*, as a testament to the importance of children for both the present and the future of the country. The selection of the date was inspired by the adoption of the *Convention on the Rights of the Child* by the United Nations General Assembly on November 20, 1989. A *Celebrate National Child Day Activity Guide* is produced to mark the annual event, and is an important awareness building tool for use in schools and child care centres and by community groups and families across Canada.

C. Dissemination of Reports - Article 44

43. *Canada's Second Report on the Convention on the Rights of the Child* is published and distributed in both official languages. Copies are distributed by the Human Rights Program of the Department of Canadian Heritage to provincial and territorial authorities and human rights commissions, provincial child advocates, civil liberties associations, a wide variety of non-governmental organizations concerned with children's issues, public libraries and educational institutions, and to other regular subscribers of government publications. The Program will also distribute copies to the general public upon request. The Report is also included in the catalogue of Canadian government publications available free of charge to the public upon request. Non-governmental and Aboriginal organizations are at liberty to reproduce and distribute copies of the Report or portions of it for their own educational purposes. The Report is available on the Internet at <http://www.pch.gc.ca/ddp-hrd>.

II. DEFINITION OF "CHILD"

44. In Canada, no federal statute legislates a general age of majority. Rather, each law sets age limits that are appropriate for its purposes, and these age limits may also vary by jurisdiction. The age limits outlined in *Canada's First Report on the Convention on the Rights of the Child* have not changed since that report, with the following exceptions.

45. In 1997, Parliament amended the *Divorce Act* to change the definition of "child of the marriage" from age 16 to the "age of majority." The age of majority is set by provincial statutes. It is 18 in the provinces of Alberta, Manitoba, Prince Edward Island, Québec and Saskatchewan, and 19 in the provinces and territories of Ontario, British Columbia, Newfoundland, Nova Scotia, New Brunswick, Northwest Territories, Nunavut and the Yukon. Children who fall under this definition are entitled to support as long as they have not withdrawn themselves or been withdrawn from their parents' charge.

46. Under the *Immigration Act*, the definitions of “dependent daughter” and “dependent son” have been extended to offspring who are over the age of 19 and either in full-time attendance at a post-secondary educational institution and substantially or wholly supported by their parents or who suffer from a physical or mental disability and are incapable of supporting themselves by reason of this disability.

47. The federal *Tobacco Act* defines “young person” as a person under 18 years of age (previously, the age limit was 16 years). The statute prohibits the sale of tobacco to young persons.

48. Under section 486 of the *Criminal Code*, safeguards exist to protect the interests of witnesses who are under 14 years of age where the accused is charged with a sexual offence or an act of violence. The court can order a support person to be with the witness while testifying. In addition, the accused would normally not be permitted to personally cross-examine the witness.

49. Also under section 486 of the *Criminal Code*, where a complainant is under the age of 18 and the accused is charged with a particular sexual offence or with corrupting a child, the court may order that the complainant testify outside the courtroom or behind a screen or other device so that he or she does not have to see the accused.

50. Under the *Young Offenders Act*, young persons of 16 and 17 years of age who are charged with murder, attempted murder, manslaughter or aggravated sexual assault are transferred to adult court, unless the court orders that the youth be proceeded against in youth court. (However, it should be noted that a proposed *Youth Criminal Justice Act* is currently before Parliament. Please see Theme VIII - Special Protection Measures for a more detailed description of the proposed changes.)

51. Formalizing a long-standing practice, the *National Defence Act* was amended in December 1998 and now stipulates that individuals under the age of 18 may not participate in any hostilities.

52. The *Firearms Act* defines a minor as an individual who is less than 18 years old. A minor is not eligible for a licence to acquire firearms, however, a minor’s possession licence, for those between the age of 12 and 18, permits the minor to use non-restricted firearms (such as shotguns and rifles) for the purpose of target practice, hunting, instruction in the use of firearms or to take part in organized shooting competitions. Minors under the age of 12 may obtain a minor’s licence if they hunt or trap as a way of life in order to sustain themselves and their family. All minor’s licences are subject to conditions, which might include supervision. In limited situations, the minor may be permitted to use restricted or prohibited firearms (primarily handguns) under the direct and immediate supervision of a licenced adult. The *Firearms Act* also allows minors without a licence to use firearms only under the direct and immediate supervision of a licenced adult. Before granting a minor’s possession licence, the minor and their parent/custodial adult are interviewed by a firearms officer. The parent or guardian must agree to the terms under which the minor may use firearms and must give their consent before a licence is issued.

III. GENERAL PRINCIPLES

A. Non-discrimination - Article 2

53. The constitutional and statutory guarantees outlined in *Canada's First Report on the Convention on the Rights of the Child* continue to protect children. In particular, section 15 of the *Canadian Charter of Rights and Freedoms* constitutionally guarantees that "Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination, and in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability."

54. Two Supreme Court of Canada decisions illustrate the application of this section of the Charter:

- The parents of a child with severe disabilities argued that her placement in a special education class, contrary to their wishes, contravened the equality provisions of the Charter. The Supreme Court, after considering the school board's policies and the child's disabilities, concluded that there was no contravention of the Charter as the school board's decision did not constitute the imposition of a disadvantage or burden, nor did it constitute the withholding of a benefit or advantage to the child, as the decision had been made in her best interests. (*Eaton v. Brant County Board of Education* [1997] 1 S.C.R. 241.)
- The Supreme Court of Canada held that the provincial *Medical and Health Care Services Act* (now the *Medicare Protection Act*) and the *Hospital Insurance Act*, by not providing publicly-funded sign language interpretation for deaf patients, were in breach of s. 15 of the Charter. (*Eldridge v. British Columbia (Attorney General)* [1997] 3 S.C.R. 624.) Although the applicant in this case was not a child, it is anticipated that the decision of the Supreme Court of Canada will be of benefit to children with disabilities.

Measures in Force

55. The Multiculturalism Program at the Department of Canadian Heritage focuses on initiatives to achieve the following objectives:

- to assist in the development of strategies that facilitate the full and active participation of ethnic, racial, religious and cultural communities in Canadian society;
- to facilitate collective community initiatives and responses to ethnic, racial, religious and cultural conflict and hate motivated activities;

- to improve the ability of public institutions to respond to ethnic, racial, religious and cultural diversity by assisting in the identification and removal of barriers to equitable access and by supporting the involvement of diverse communities in public decision-making processes;
- to encourage and assist in the development of inclusive policies, programs and practices within Federal Departments and Agencies in order that they meet their obligations under the *Canadian Multiculturalism Act*; and
- to increase public awareness, understanding and informed public dialogue about multiculturalism, racism and cultural diversity in Canada.

56. The International Day for the Elimination of Racial Discrimination is commemorated in Canada by a national public education campaign, popularly known as the “March 21 Campaign.” The campaign targets elementary and secondary school students and encourages them to participate in an ongoing dialogue about racism. Campaign tools include printed materials such as brochures and teachers’ guides, a “cyber” petition, and a national “Stop Racism” video competition.

57. The department’s Awards Program encourages students to explore the contributions of people of Aboriginal and diverse ethnocultural origins to the building of Canada. Its purpose is to generate mutual respect and understanding among Canadians of different cultural heritages. More than 90 percent of Canada’s 16,000 elementary and secondary schools submit essays, short stories, poems and artwork on the theme of cultural diversity and nation building. The Mathieu Da Costa Awards Program, launched in 1996 in association with the Canadian Teachers’ Federation, commemorates the official designation of February as Black History Month. Mathieu Da Costa was a black navigator who played a significant role in facilitating understanding between the Mi’kmaq First Nation and the early French explorers in Canada in the early 17th century.

58. *Open House Canada* provides financial assistance to non-profit organizations to help administer reciprocal group exchange programs and national fora within Canada. The funds allocated are to be used exclusively to cover part of the transportation costs. Target groups are aboriginal youth, youth with disabilities, visible minorities and economically disadvantaged youth.

59. *SchoolNet*, a federal government initiative to promote the effective use of information technology among Canadians by helping all schools and libraries connect to the Internet, includes key components for promotion of non-discrimination:

- “E-Conflict World Encyclopedia,” part of the *SchoolNet* Web site, aims to “eradicate conflict around the world” by promoting international cultural awareness. The site enables students and others to discover the geography, history, people, culture and government of countries around the world.

- With the signing of a Memorandum of Understanding, the Beijing Concord College of Sino-Canada is linked with *SchoolNet*. Through this *SchoolNet* connection, Chinese students from Beijing and other areas of China are now able to enroll in the same educational program as foreign students.

Industry Canada's *SchoolNet* initiative is described in further detail in Theme IV of this report.

B. Best interests of the child - Article 3

60. The Government of Canada believes that Article 3 of the *Convention on the Rights of the Child* should be interpreted in a manner consistent with the intention of the drafters, as stated in the preparatory documents or "*travaux préparatoires*". In particular, the phrase "a primary consideration" means that the best interests of the child is a vitally important consideration in the development of all legislation, programs and policies that concern children.

61. The nature of this consideration depends upon the context of the legislation, program or policy, as illustrated by the following examples:

- The federal *Divorce Act* states that the best interests of the child shall be the *only* consideration in determining matters of custody and access. The Supreme Court of Canada has held that where a non-custodial parent applies for a variation of a custody order to prevent the custodial parent from moving to another jurisdiction with the child, there is no legal presumption in favour of the custodial parent, although the custodial parent's views are entitled to great respect. The only test is the best interests of the child. (*Gordon v. Goertz* (1996), 19 R.F.L. (4th) 177, [1996] S.C.R. 27.)
- The federal *Young Offenders Act*, as well as the proposed juvenile justice legislation, stipulates that a court shall consider several factors in addition to the best interests of the child in determining the placement of young offenders, including the safety of other youths in a juvenile detention centre.
- The Child Tax Benefit, established in January 1993, is a broad-based federal government initiative to assist children. The program provides a monthly tax-free benefit to low- and middle-income families on behalf of each dependent child under 18 years of age. The 1997 federal budget announced the National Child Tax Benefit, a joint federal/provincial initiative. In July 1998, the federal government announced the implementation of the new Canada Child Tax Benefit (see Theme VI, Article 26), which provides increased financial support to low- and middle-income families with children. Provinces and territories in turn will make complementary re-investments of provincial funds to assist children in low-income families.

Factors, Difficulties and Progress

62. Although, as previously noted, the courts decide custody and access disputes under the federal *Divorce Act* according to the best interests of the child, there is no consistent definition of the principle in use by the courts. The “best interests test” has therefore come under criticism as being arbitrary and unpredictable.

63. In 1996, the Immigration and Refugee Board (IRB), an independent quasi-judicial tribunal that hears and decides refugee and immigration claims in Canada, issued *Guidelines on Child Refugee Claimants*. Based on extensive consultation with specialists, including child psychiatrists and lawyers, as well as national and local organizations involved with child refugees, the guidelines provide procedural and evidentiary guidelines for dealing with the special needs of children appearing before the IRB. The guidelines stipulate that primary consideration be given to the “best interests of the child,” taking into account age, gender, cultural background and past experiences.

Priorities and Goals

64. In 1997-98, a Special Joint Committee of the Senate and the House of Commons on Child Custody and Access studied issues relating to custody and access arrangements after separation and divorce. The mandate of the Committee was to assess the need for a more child-centered approach to family law policies and practices that would emphasize joint parental responsibilities and child-focused parenting arrangements based on children’s needs and best interests. The Committee issued a final report and recommended changes in December 1998. At the time of writing, the Government of Canada was in the process of preparing a response to the Committee’s report.

C. The right to life, survival and development - Article 6

Measures in Force

65. The constitutional and statutory guarantees as outlined in *Canada’s First Report on the Convention on the Rights of the Child* continue to protect children.

66. The current *Firearms Act* aims to reduce the number of firearms deaths and injuries of children (and adults). The *Firearms Act* was passed in December of 1995. As of December 1998, the legislation requires all gun owners to become licensed before January 1, 2001, and all firearms to be registered before January 1, 2003. The legislation also created a new smuggling and trafficking offence, prohibited various types of handguns, and introduced new mandatory penalties for the use of firearms in the commission of a crime.

67. The *National Defence Act* was amended in December 1998 to remove the death penalty.

68. Since *Canada's First Report on the Convention on the Rights of the Child*, the Government of Canada, First Nations, Inuit and Metis communities have been working in partnership to develop solutions and positive interventions to address the underlying issues around suicide and other mental health issues of those communities. Among numerous initiatives, an Aboriginal Suicide Prevention Workshop was held in 1995, and a manual for front-line community workers was subsequently produced.

69. In February 1997, an agreement was signed between the Government of Canada, the Ontario Government and the Nishnawbe-Aski Nation to establish a three-year program to attempt to reduce suicides and to address other related problems. The program implemented the recommendations of Nishnawbe-Aski's Youth Forum, which had spent 3 years examining the suicide crisis and its causes.

70. In 1997, Health Canada supported a Youth and Elders Conference, attended by more than 500 participants from across the country, to discuss suicide among Aboriginal youth and other issues of concern.

D. Respect for the views of the child - Article 12

71. The constitutional and statutory guarantees outlined in *Canada's First Report on the Convention on the Rights of the Child* remain.

Measures in force

72. In divorce, custody and access proceedings, while there is no specific requirement for the child's views to be heard, various procedures are sometimes used to elicit them for the court. These include custody and access investigation reports by social workers and psychologists; testimony of experts, such as psychologists and psychiatrists; testimony of the child, particularly an older child; and affidavit evidence. In some instances, a judge will meet directly with the child. Parents, their counsel or counsel for the child can also speak to a child's interests or views.

73. The *Immigration Act* stipulates that a person under 18 years of age may be represented by a parent or guardian when an inquiry is held by an adjudicator to determine whether that individual should be removed from Canada. Where such a person is not represented by a parent or guardian at such an inquiry, or where, in the opinion of the adjudicator presiding at the inquiry, the child or youth is not properly represented by a parent or guardian, the inquiry must be adjourned and the adjudicator must designate some other person to represent that young person at the expense of the Minister. (Subsection 29(4) and 29(5) *Immigration Act*). Similarly, in proceedings before the Refugee Division regarding claims of refugee status by persons under 18 years of age, the Division may designate someone to represent a person under the age of 18. This designated person is paid an honorarium fixed by the Chairperson and such reasonable expenses as are incurred by the designated person in connection with the representation, unless the designated person is the parent.

74. Section 486 of the *Criminal Code of Canada* includes provisions in relation to respect for the views of the child:

- Safeguards exist to protect the interests of witnesses who are under 14 years of age where the accused is charged with a sexual offence or an act of violence. The court can order that a support person be present with the witness while testifying. As well, the accused would normally not be permitted to personally cross-examine the witness.
- Where a complainant is under the age of 18 and the accused is charged with a certain sexual offence or with corrupting children, the court may order that the complainant testify outside the courtroom or behind a screen or other device so that he or she does not have to see the accused.

75. The federal government, in cooperation with the provinces and territories, is currently implementing a major juvenile justice initiative. In all areas of the initiative, procedural safeguards have been included to permit the accused or young offender to express his or her opinion and views.

Factors, Difficulties and Progress

76. Although the views of the child are generally heard during divorce, access and custody proceedings, some authorities question whether it is in the best interests of a child to be involved in mediation or litigation. Those against the practice believe that the process can be difficult and emotional and that psychological damage may occur if a child is encouraged to choose one parent over another. Those in favour believe that the benefits of considering the views of the child outweigh the risks.

77. The views and opinions of youth were sought during a government-sponsored conference *Out From the Shadows - An International Summit of Sexually Exploited Youth* which was held in British Columbia in 1998. The conference was initiated by Senator Landon Pearson, Canada's Special Advisor on Children's Rights and Cherry Kingsley, a child advocate and former victim of sexual exploitation, following their participation in the First World Congress Against Commercial Sexual Exploitation of Children in Stockholm in 1996. In preparation for the summit, sexually exploited children and youth in Canada were consulted on various issues. The five-day summit brought together youth as well as representatives of governments and non-governmental organizations to examine issues related to the commercial sexual exploitation of young people and to develop strategies and initiatives. The government also supported the attendance of both Canadian and international youth at the conference.

Priorities and Goals

78. The respect for the views of the child were considered by the following working groups:

- A Special Joint Parliamentary Committee on Custody and Access examined the Article in terms of the *Divorce Act*.

- The Parliamentary Standing Committee on Justice and Human Rights studied the need for further victim legislation and related issues, with particular attention to their application in the youth justice system. Its report was submitted to Parliament in the fall of 1998.
- A Federal-Provincial-Territorial Working Group on Victims of Crime also examined a variety of issues including co-ordination and delivery of victim services, the need for specialized services and the provision of information to victims.

79. The federal government will implement recommendations from these committees, including the establishment of a new office or policy centre for victims' issues. This office will seek to ensure that victims' perspectives are considered in the development of all policies and legislation and will manage, coordinate and enhance all federal initiatives relating to victims. As a federal centre of expertise, it will also focus on emerging national and international issues and trends in victim advocacy, legislation and services.

80. The Government of Canada has also committed itself to amending the *Criminal Code* to improve opportunities for victims to express how they have been affected by the crime and to require the court to consider the victim's safety in bail decisions. The amendments will make it easier for victims to participate as witnesses in trials by providing guidelines to the courts for protecting a victim's identity. Safeguards for young victims of sexual or violent crime will be expanded by further restricting the cross-examination by self-represented accused persons.

IV. CIVIL RIGHTS AND FREEDOMS

A. Name, nationality and parental care - Article 7

Measures in Force

Name and nationality

81. In Canada, the registration of children after birth is a provincial responsibility while the determination of citizenship is a federal responsibility. There have not been any changes to the legislation or policy regarding determination of citizenship since *Canada's First Report on the Convention on the Rights of the Child*.

82. As a result of the Federal Court of Appeal decision in the *McKenna* case, (*Canada (Attorney-General) v. McKenna* [1999] 1 F.C. 401), Citizenship and Immigration Canada has undertaken a review of the legislative provisions governing access to citizenship for children adopted abroad by Canadian citizens. A proposed *Citizenship of Canada Act*, anticipated in 1999, will include provisions that would facilitate access to citizenship for these children.

Factors, Difficulties and Progress

83. The Government of Canada has endorsed the creation of the First Nations Child and Family Service (FNCFS) agencies as a way to ensure that all First Nation children and families receive culturally sensitive services within their First Nation community. There are 73 First Nation and Child and Family Services (FNCFS) agencies providing services to approximately 70% of the on-reserve First Nation population in Canada.

Priorities and goals

84. It is expected that another 36 First Nation and Child and Family Services agencies will become operational by the year 2002, bringing the on-reserve population served by FNCFS agencies to over 91 percent.

Parental care

85. The federal, provincial and territorial governments work cooperatively in the areas of divorce, custody, access, support and juvenile justice. For example, while divorce is a federal matter, the determination of custody and access in a non-divorce situation falls to the provincial/territorial jurisdictions. The governments also work cooperatively to ensure that child support payments are paid by the non-custodial parent.

86. There have not been any changes in the legislation or policies regarding parental care under the *Divorce Act* since the writing of the First Report. A detailed description of measures in force to ensure parental financial support to children is found in Theme V (Article 27).

Factors, Difficulties and Progress

87. A Special Joint Committee of the Senate and the House of Commons on Child Custody and Access has studied issues relating to custody and access arrangements after separation and divorce. The mandate of the Committee was to assess the need for a more child-centered approach to family law policies and practices that would emphasize joint parental responsibilities and child-focused parenting arrangements based on children's needs and best interests. The Committee issued a report with recommendations in December 1998. The Government issued a response in May 1999. Further action will be highlighted in the next report.

88. The current *Young Offenders Act* sets out the rights of parents to receive notice and information regarding their child before, during and after legal proceedings. These rights have been maintained in the proposed juvenile justice initiative. For example, parents have the right to be notified of any extra-judicial measures. As well, parents of a young person charged with an offence are to be notified as soon as possible of the arrest and all requirements for appearance before the court. If possible, parents will be interviewed prior to the writing of a pre-sentence report, which is used by the court to determine the appropriate sentence for a young offender. Parents will receive notice of and explanations concerning recommendations for release from custody and can request a review if the court does not accept the recommendations.

89. Parents may also make an application on matters relating to their child and the court must hear these representations. Further, the courts may require a parent to attend at any stage of the proceedings in youth court. A parent who fails to attend when ordered to do so would be guilty of contempt and could be subject to arrest.

B. Preservation of identity - Article 8

90. With regard to the preservation of identity, there have not been any changes to the *Divorce Act* since the writing of the First Report.

91. The Government of Canada's Inherent Right Policy allows for the negotiation of jurisdiction over civil procedures in the administration of the *Divorce Act* when determining Aboriginal self-government arrangements. However, to maintain national standards and consistency, jurisdiction over custody and spousal support in the context of divorce remains a federal responsibility.

92. There have not been any changes to the mechanisms of adoption of Aboriginal children since the First Report. However, under the Inherent Right Policy, responsibility for child welfare, including adoption, may be negotiated. A detailed description of measures relating to Aboriginal children is included in Theme VIII of this Report.

C. Freedom of expression - Article 13

93. There have not been any changes in the constitutional or statutory guarantees of freedom of expression since the writing of the First Report.

94. To commemorate the 50th Anniversary of the *Universal Declaration of Human Rights*, the federal Department of Canadian Heritage created the Web site "CREDO," and invited young people across Canada to create their own list of fundamental rights (i.e. their own credo). Posters, poetry, drawings, Web pages, rap songs and even a quilt were submitted. The Web site also provided the opportunity for young people to exchange their views with others.

95. Children and youth are also encouraged to express themselves through *SchoolNet*, an Industry Canada initiative to promote the effective use of information technology among Canadians. Examples of *SchoolNet* Web sites that encourage freedom of expression include:

- *SchoolNet News Network* is a monthly Internet newspaper written and produced by students from Kindergarten to Grade 12 (ages 5 to 18).
- *Hooked on School* targets students at risk of dropping out of school or who have already quit school. The site allows young people to anonymously discuss their feelings toward school and the consequences of dropping out of school. Through this forum, many students have been encouraged to stay in school and others have returned to school.

- *Book Nook* allows children and youth to review and recommend books aimed at their age level.
- *Family Treasures* is geared to primary school children. It provides an on-line “show and tell” of items of archival and historical interest that may be found in the children’s homes. The Family Treasures site is linked to museums, where additional information is available.

D. Freedom of thought, conscience and religion - Article 14

96. The constitutional guarantees of freedom of conscience and religion and freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication, have not changed since the First Report (sections 2(a) and 2(b) of the *Canadian Charter of Rights and Freedoms*).

97. In one case, the Supreme Court of Canada held that a child’s right to life-saving medical treatment took precedence over her parents’ right to freedom of religion. The parents had refused to consent to their child receiving a blood transfusion because of their religious beliefs. (*B. v. Childrens’ Aid Society of Metropolitan Toronto* [1995] 1 S.C.R. 315.).

E. Freedom of association and peaceful assembly - Article 15

98. The constitutional guarantees of freedom of peaceful assembly and freedom of association remain. (sections 2(c) and 2(d) of the *Canadian Charter of Rights and Freedoms*).

F. Protection of privacy - Article 16

99. The constitutional and statutory guarantees of protection of privacy, as outlined in the First Report, remain.

100. In one decision, the Supreme Court of Canada held that the publication of a youth’s image, without her consent, constituted a violation of her privacy and of her right to her image under the Québec *Charter of Human Rights and Freedoms*, resulting in a financial award in her favour (*Aubry v. Éditions Vice-Versa Inc.*[1998] 1 S.C.R. 591).

101. In another case, the Supreme Court of Canada held that a vice-principal had not infringed a student’s constitutional right not to be subjected to unreasonable search or seizure when the vice-principal requested that the student, in the presence of a police officer, role up his pant leg. The vice-principal had reason to believe that the student was concealing drugs and had intended to sell these drugs at a school event. Drugs were found in the student’s sock, and the student was charged under the *Young Offenders Act*. The Court held that, in this particular case, the vice-principal’s actions were reasonable. The Court also stated that the search of the student’s locker by the police was constitutional in this particular circumstance. (*R. v. M.(M.R.)* [1998] 3 S.C.R. 393.)

G. Access to appropriate information - Article 17

(a) Mass media

102. There have not been any amendments to the *Canadian Broadcasting Act* since the release of the First Report.

103. The Canadian Radio-Television and Telecommunications Commission (CRTC) supervises and regulates all aspects of telecommunications according to the policies set out in the *Broadcasting Act*. The structure and conditions of the television licence of the Canadian Broadcasting Corporation (CBC) have remained constant since the First Report.

104. The National Film Board (NFB) is a federal cultural agency that produces and distributes films that “interpret Canada to Canadians and other nations.” Extensive use of NFB films is made in Canadian elementary and secondary schools. From 1993 to 1997, the NFB released over 300 productions for children of all ages, including:

- *Rights from the Heart*, a three-part series of animated films based on the *Convention on the Rights of the Child*.
- *The Prince and I*, a Web production which encourages children to learn to read and write in a playful environment.
- *Perspectives in Science* explores a number of social and environmental issues relating to science.
- *Street Safe: Videos for Teens* is a series of videos on issues that touch the lives of adolescents, such as sexual harassment, racism, mental illness, homelessness and addiction.
- *ShowPeace/AnimaPaix* is a series of animated films about conflict resolution.
- *Le studio d'animation du Programme français* continues to produce high-quality animation films, such as *Mon enfant, mon terre* and *L'arbre mort*.

105. In 1996, the NFB established the Media Awareness Network, a Canadian non-profit organization dedicated to media education and media issues affecting children and youth. The Network provides an Internet site in English and French for educators, students, community leaders and others interested in knowing more about the media and its influences.

106. Financial assistance for the production of Canadian children's programming is provided by both the private sector and the Canadian government. In 1994, the Canadian cable industry, with the financial support of the Canadian Radio-Television and Telecommunications Commission (CRTC), established the Cable Production Fund. The purpose of the fund was to provide financial resources to produce high-quality Canadian programs in under-represented categories, including children's programs. In 1996, the Canada Television and Cable Production Fund was created when the Cable Production Fund was integrated with the broadcast production

fund of Telefilm Canada (a federal cultural agency). This annual fund helps to finance quality Canadian television programs in the categories of drama, variety, children's shows and documentaries. In 1996-97, the fund contributed toward the production of 724 hours of children's programming.

107. In 1996, the CRTC awarded licenses to two new specialty services intended primarily for children: *TreeHouse TV* provides programming for pre-school children and *TELETOON* offers animated programming for children of all ages and families. Other pay and specialty services licenced by the CRTC to provide programming for children are the French-language specialty service *Canal Famille*, the English-language specialty services *YTV* and the *Family Channel*, and the *Aboriginal Peoples Television Network* (APTN). The APTN is described in further detail below. Programming provided by pay and specialty services intended for children complements the children's programming provided by conventional and provincial educational broadcasting services. All of these services must adhere to guidelines regarding sex-role stereotyping and violence in television programming.

108. The Government of Canada has provided \$125,000 in financial support to Concerned Children's Advertisers (CCA), a consortium of Canadian companies which market and broadcast products and services to children and families. In recent years CCA has carried out several multi-activity projects to educate children about positive, balanced, informed and healthy television viewing. This project involved the production and airing of media literacy vignettes, entitled *TV and Me*. These vignettes informed children and youth of issues such as life-skill education (self-esteem, decision-making, role models and substance free living); media literacy (media message, heroes, stereotypes, role models, fantasy versus reality, media violence and the technical side of television); and peer education (the role of older children in educating younger children about positive living).

109. In March 1997, the second *Status of Women Canada Roundtable on Portrayal of Young Women in the Media* took place. Participants included industry representatives, advertising agencies, publishers, fashion editors and television producers, as well as academics and representatives of MediaWatch who have expertise on the impact of the media images on young women. Among the concerns discussed were the relationship between the portrayal of women as victims and violence against women, and the sexualization of younger women. This dialogue continued in 1998-99.

110. Telefilm Canada, a federal cultural agency, fosters and promotes the development of the feature film and television industries in Canada. Since 1994, Telefilm Canada has provided financial support for 47 programs for children, including successful series such as *Watatatow*, *La Maison de Ouimzie*, *The Adventures of Dudley the Dragon* and *Big Comfy Couch*.

111. The Canadian Broadcasting Corporation is using the Internet to develop alternative offerings for children and youth. The CBC's Web site includes information on children's programming, related activities and games and information for parents and teachers on the effective use of television in the home and classroom.

112. *SchoolNet*, an Industry Canada initiative, is designed to promote the effective use of information technology among Canadians by helping all public schools and public libraries connect to the Internet. This initiative responds to the Government of Canada's commitment to ensure the Internet is accessible to all Canadians, regardless of income level or location. The *SchoolNet* project aims to have 250,000 connected computers in Canadian classrooms (approximately one per classroom) by March 31, 2001.

113. *SchoolNet's* Computers for Schools program channels surplus computer equipment from businesses, government and individuals into classrooms and public libraries across Canada. This award-winning program, a partnership effort of the Telephone Pioneers of America, governments, businesses, volunteer groups and communities, has been a contributing factor to the success of the *SchoolNet* initiative.

114. Another component of the initiative is an informational Internet site aimed primarily at students and teachers. The *SchoolNet* Web site fosters a culture of lifelong learners and promotes the development of the kinds of skills required to compete in the knowledge-based economy.

115. The site provides links to hundreds of Canadian educational and informational Web sites. All links are carefully screened by Industry Canada to ensure the content is appropriate for children. Any site that contains pornographic, sexist, discriminatory or otherwise inappropriate material is not linked to *SchoolNet*.

116. Many of the sites linked to *SchoolNet* are for teachers to assist them in planning and educating. Many others are geared to children, for example:

(a) D.E.A.L. - Drug Education and Awareness for Life, is designed to inform and educate youth, as well as adults, on substance abuse issues, provide problem-solving skills and promote effective ways to deal with the use of drugs.

(b) *The Little Math Puzzle* challenges students from grades 5 to 10 with a new mathematical puzzle every week.

(c) *Healthy Teeth*, designed for grades 3 to 6, uses animation, easy-to-understand text and simple classroom experiments to promote good dental health. The Canadian Dental Association, the Nova Scotia Dental Association and the Halifax County Dental Society are the site's major sponsors.

(d) *Politics by Aristotle* encourages youth to read this well-known essay online and exchange their ideas and comments with other students.

(b) International cooperation

117. As of April 1998, Canada has signed a total of 44 film and television co-production agreements with 52 states. Canadian children's programming is made available in other countries by a variety of means, in particular Telefilm Canada's International Affairs division and its European office located in Paris.

118. *SchoolNet* is recognized around the world for its innovative and exciting approach to learning through technology. The Office of International Partnerships has been established by Industry Canada to provide a single point of access to Canada's information communication technology skills and products, including *SchoolNet*, for any country or foreign organization seeking to build their own electronic learning network.

(c) Dissemination of books

119. The Book Publishing Industry Development Program provides funding to the Canadian Children's Book Centre for its "Read About It" series of study guides on outstanding Canadian young adult fiction for use in classrooms nation-wide.

(d) Linguistic needs of minority and indigenous children

120. The linguistic requirements of the *Broadcasting Act*, as outlined in the First Report, remain. The Canadian Radio-Television and Telecommunications Commission (CRTC) continues to support the Native Broadcasting Policy, which fosters the development of Aboriginal cultures and the preservation of native languages.

121. In February 1999, the CRTC approved an application by Television Northern Canada Incorporated (TVNC) to operate the Aboriginal Peoples Television Network (APTN). Effective September 1, 1999, APTN will be distributed nationally, a move that meets the objectives of the *Broadcasting Act*. Programming will be targeted to a variety of age groups and interests, and will include children's shows, educational, cultural and current affairs programming, drama, music, comedy, documentary features, discussion programs, political coverage, and special events, as well as programming about indigenous people around the world. Through this programming, APTN will provide social benefits by helping to preserve the cultural identity of Aboriginal peoples and by offering a cultural bridge between Aboriginal and non-Aboriginal communities.

122. Industry Canada, through its *SchoolNet* initiative, the Assembly of First Nations, and Stentor, a private sector telecommunications company, have worked together to connect all interested First Nations schools under federal jurisdiction to the Internet. The *SchoolNet* Internet site provides access to First Nations curriculum resources in English, Cree and Syllabic and cultural collections of First Nations artifacts and art. Through the site, student and teachers and others are able to network with other First Nations schools and communities.

123. As part of Canada's Aboriginal Action Plan, an Aboriginal language program to preserve and teach Aboriginal languages is being developed by the Department of Canadian Heritage and the Department of Indian and Northern Affairs (DIAND). DIAND has provided funding for language and cultural activities to First Nations elementary and secondary on-reserve schools. Financial assistance is also given to a Cultural Education Centres Program through First Nations, tribal/district councils and First Nations/Inuit non-profit corporations to preserve, develop, promote and express their cultural heritage and languages.

124. The Department of Canadian Heritage works with provinces and territories to ensure that minority schools offer their students an education of comparable quality to that offered to the

majority (in keeping with section 23 of the *Canadian Charter of Rights and Freedoms*). The Department also supports, in co-operation with provincial and territorial governments, the provision of high-quality second-language instruction at all levels.

(e) Protective guidelines

125. The role of the Canadian Radio-Television and Telecommunications Commission (CRTC) as outlined in the First Report, remains. Since 1994, the CRTC has required all television services to comply with the *Canadian Association of Broadcasters Voluntary Code Regarding Violence in Television Programming*. The Code contains a section dealing specifically with children's programming, which sets out strict limitations on the nature and amount of violence that may be included in programs directed at persons under 12 years of age. The Code stipulates that children's programming must:

- portray very little physical, verbal or emotional violence;
- carefully deal with themes that could threaten children's sense of security, or that could invite children to imitate acts they see on screen;
- show, in human terms, the consequences of any realistic depiction of violence to its victims and perpetrators;
- not contain realistic scenes of violence that create the impression that violence is the preferred way or the only method to resolve conflict between individuals, or that minimize or gloss over the effects of violent acts; and
- not contain frightening or otherwise excessive special effects not required by the storyline.

Factors, difficulties and progress

126. The CRTC's Policy on Violence in Television Programming, announced in March 1996, emphasized the need for tools for parents to use in protecting their children from the harmful effects of television violence, such as a classification system for rating violence in television programming and "V-chip technology" for blocking programs with inappropriate levels of violence.

127. In 1997, the CRTC approved a classification system that will help parents make informed choices. Proposed by the Action Group on Violence on Television (AGVOT), an organization representing all sectors of the Canadian broadcasting industry, the six-level classification system rates programs based on language, sexual content and violent content. Canadian broadcasters started providing on-screen ratings using the approved classification system in October 1997.

128. The CRTC remains committed to the implementation by broadcasters and the cable industry of an affordable V-chip compatible classification system. AGVOT is continuing its work to resolve problems surrounding V-chip technology, and will provide CRTC with regular progress reports.

**H. Right not to be subjected to torture or other cruel, inhuman
or degrading treatment or punishment - Article 37 (a)**

129. The constitutional guarantees outlined in the First Report remain. In Canada, capital punishment is not an available punishment.

130. The juvenile justice system is described under the headings “children in conflict with the law” and “children deprived of their liberty” in Theme VIII.

V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

131. For the most part, the provinces and territories of Canada have jurisdiction over family law, the regulation of social welfare agencies and the administration of the court. Issues of custody and visiting rights come under federal jurisdiction to the extent that they arise in the context of divorce. The federal government also has jurisdiction over immigration and criminal law.

132. Aboriginal people and the lands reserved to them also fall under federal jurisdiction. However, Aboriginal communities are taking more control over laws related to the family environment and alternative care through self-government agreements.

**A. Parental guidance and
B. Parental responsibilities - Articles 5 & 18 (1-2)**

Measures in Force

133. The Government of Canada spends approximately \$1 billion for parental and maternity benefits under the *Employment Insurance Act* (EI). The Act provides 15 weeks of maternity benefits to new mothers and a total of 10 weeks of parental benefits (with 5 additional weeks for special needs) to the mother or father, or to both, who have accumulated at least 700 hours of insurable employment in the 52-week period preceding their claim for benefits. These benefits are applicable to parents of newborns or newly adopted children. Under EI, a claimant receives a weekly benefit of 55 percent of his/her insured earnings up to a maximum of \$39,000 per year.

134. In addition, beginning in January 1997, a claimant with children whose family income is less than \$25,921 and who receives the Child Tax Benefit receives a “top up” of maternity and parental benefits up to 65 percent of insured earnings. This benefit rate will increase by 5 percentage-point increments each year, to 80 percent in 2000.

135. The Government of Canada provides resources to the provinces and territories to help with the implementation of new *Child Support Guidelines* (CSG) and to support innovative measures to collect court-ordered child support payments. The federal *Child Support Initiative* further complements these measures with programs to reduce the level of conflict between

parents in determining and enforcing child support awards. As part of these efforts, the federal government has worked in close cooperation with a number of provinces and territories to develop and/or enhance parent education programs. These programs, which may be voluntary or mandatory, use a variety of delivery methods including printed materials, information sessions, videos and education curricula for children.

136. The *Military Family Services Program*, formerly the Military Family Support Program established in 1991, continues to deliver programs designed to meet the special needs of military families stemming from frequent postings and transfers. Consistent and coordinated family support are offered through services for children and youth, information referral, education and quality of life programs, crisis intervention and volunteer development. Program delivery is provided through 44 independent Military Family Resource Centres.

137. The *Postpartum Parent Support Program*, a community-based health and infant care information program, is described in detail in Theme VI.

138. Health Canada's *Nobody's Perfect* program targets parents with children up to age five who are young, single, low-income, socially or geographically isolated or who have limited formal education. The program gives parents accurate, up-to-date information on children's health, safety, development, behaviour and other information to increase confidence in parenting abilities. *Nobody's Perfect* program materials were recently updated and revised.

139. In partnership with Health Canada, Family Service Canada distributes *Welcome to Parenting: The First Six Years*, a video that provides key information and helpful tips for parents through a creative mix of parent and child interactions, parent interviews, skits and animation.

140. In 1996, the Women's Bureau of Human Resources Development Canada (HRDC) issued *Changing Families, Changing Workplaces*. This publication is designed to publicize innovative programs and policies that social workers and organizations have used in Canadian workplaces to support workers with family responsibilities and to give them greater flexibility. While HRDC remains interested in work and family issues, this does not continue to be a specific priority of the Women's Bureau.

Factors, Difficulties and Progress

141. The 1996 Employment Insurance reform changed the eligibility calculation method for all benefits from one based on weeks (minimum of 20 weeks at 15 hours per week required to be eligible) to one based on hours of insurable employment (minimum of 700 hours to be eligible). Monitoring and Assessment Reports published annually have indicated that few maternity benefits claimants have been adversely affected by the change to the hours-based system. The Government will continue to assess the effects of changes to Employment Insurance regulations on maternity and parental benefits.

Government and NGO Cooperation

142. In partnership with the Canadian Living Foundation, the Canadian Broadcasting Corporation and Invest in Kids Foundation, Health Canada developed the “Get Set for Life” campaign. This national awareness campaign, which targets families, day care facilities and communities, focuses on the development of the child during the first 5 years, with particular attention to the importance of cognitive development. Program delivery is achieved through television and radio programs, magazine articles, posters, other print pieces, mall displays, and community forums.

143. Health Canada, through the Population Health Fund, is increasing the involvement of young fathers in parental education and has supported projects in the area of Fathering and Teen Parenting.

144. Through its Partnership Branch, CIDA supports NGOs that work to strengthen family environments for children. Pueblito is a Canadian NGO which works with NGOs in Latin America to provide quality child care, to support social service projects with local governments, and to improve and develop legislation for children that meets the standards of the Convention.

C. Separation - Article 9

Measures in Force

145. The *Divorce Act*, with respect to parental contact (section 16 (10)), has not changed since *Canada’s First Report on the Convention on the Rights of the Child*. Case law suggests that most judges and parents are of the view that there should be regular and frequent contact with both parents unless such contact poses a risk to the child. Recent court examples held that “an access parent is entitled to share his or her lifestyle with the child unless this poses a risk to the child” (*Gordon v. Goertz*, 19 R.F.L. (4th 177, [1996] 2 S.C.R. 27; *Young v. Young* 49 R.F.L. (3d) 117; [1993] 4 S.C.R.) and that the “child is to have as much contact with each parent as is consistent with the child’s best interests” (*McElroy v. McElroy*, [1996] W.D.F.L. 2188 (B.C.S.C.)).

146. Status of Women Canada has released several research papers on custody and access, as well on topics such as child care and gender and social responsibility.

Factors, Difficulties and Progress

147. While custody and access cases continue to be decided according to the best interests of the child, there is no consistent definition of the principle. As a result, the “best interests test” continues to be criticized as being arbitrary and unpredictable.

148. The diversity of family structures (custodial and non-custodial parents, step-parents, members of common-law relationships, half siblings and step siblings) results in many children facing complex social relationships. The Government recognizes the links between the pressures of these relationships and ensuing pressures on other parts of children’s lives.

Priorities and Goals

149. A Special Joint Committee of the Senate and the House of Commons on Child Custody and Access was established in 1997 with a mandate to assess the need for a more child-centered approach to family law policies and practices. Such an approach would emphasize joint parental responsibilities and child-focused parenting arrangements based on children's needs and interests. The Committee heard from over 500 witnesses.

Institutions and Mechanisms

150. Although the federal government has exclusive jurisdiction to legislate in the area of divorce, most family law initiatives depend upon federal/provincial/territorial coordination. The Federal/Provincial/Territorial Family Law Committee was established to develop law reforms and make recommendations in a coordinated, multi-level fashion that recognizes the responsibilities shared between jurisdictions.

Governments and NGO Cooperation

151. Family Mediation Canada, with support from Health Canada, compiled an inventory of Canadian parenting education programs and resources, entitled *Families in Transition: Children of Separation and Divorce*. The list includes over 140 programs in every province, as well as videos, books and other resources for parents, social service workers and others. In another Health Canada-supported initiative, Family Mediation Canada is reviewing parent education programs across Canada in order to develop a best practices model.

152. Status of Women Canada provides financial and technical assistance to organizations working to advance gender equality at the community, regional and national level. Support has been provided for projects on custody, access and support issues, including strategies to educate and advocate for systemic change related to custody and access disputes, particularly in cases of abuse.

153. *Life Goes On*, a popular publication for families in transition, is currently being revised and updated with funding from Health Canada.

D. Family Reunification - Article 10

154. See Theme VIII - Special Protection Measures.

E. Illicit transfer and non-return - Article 11

Measures in Force

155. The *Criminal Code of Canada* includes the illicit transfer and the non-return of children as offences; section 279 (1) of the code provides for a penalty of life imprisonment for kidnaping where force is used.

156. Canada has ratified the *Hague Convention on the Civil Aspects of International Child Abduction*, which ensures that States Parties secure the prompt return of children wrongfully removed or retained and respect of parental rights of custody and access. (Canada will be required to modify its declaration as the new territory of Nunavut prepares to have the Convention apply to its jurisdiction).

157. An annual workshop conference brings together the agencies involved in the *Our Missing Children Program* from across Canada. The 1997 conference, hosted by Citizenship and Immigration Canada, focused on the international abduction of children and missing and exploited children. Participants included non-profit organizations, police forces, law enforcement officers from around the world including INTERPOL, the FBI, and the Belgium Gendarmerie, Irish Family Law Association, and UNICEF regional groups in Canada. Delegates to the conference learned of the work of the Canadian Consular offices, and the procedures to issue passports to children.

Factors, Difficulties and Progress

158. Parental abductions of children are a serious and growing problem in Canada. Statistics currently available do not distinguish between domestic and international abductions.

159. In November 1996, the Department of Foreign Affairs and International Trade (DFAIT), joined Revenue Canada, Citizenship and Immigration, and the Royal Canadian Mounted Police as a partner in the *Our Missing Children Program*. As part of its Consular Awareness Program, DFAIT publishes *International Child Abductions - A Manual for Parents*. It also provides information on the rights and responsibilities of countries which are signatories to the *Hague Convention*, as well as those countries which are not signatories, on issues of abduction of, and access to, children.

Priorities and Goals

160. In November 1997, the Parliamentary Sub-Committee on Human Rights and International Development convened to address issues related to international child abduction and to hear the concerns of governmental and non-governmental service agencies working in this field. The Sub-Committee released a report in 1998 of its findings, including a discussion of Canada's compliance with the provisions of the *Hague Convention on the Civil Aspects of International Child Abduction*. The Government's response to the report was tabled in November 1998 where it endorsed or accepted eleven of fourteen recommendations, with some qualifications. It will be acted upon in the forthcoming reporting period.

F. Recovery of maintenance for the child - Article 27 (4)

Measures in Force

161. Child support and maintenance were identified as priority areas for attention in *Canada's First Report on the Convention on the Rights of the Child*.

162. The 1996 Federal Budget announced a child support reform package that included: child support guidelines; changes in the tax treatment of child support; redirection of the tax savings towards low income families with children; and improved measures for the enforcement of support orders.

163. The *Federal Child Support Guidelines*, which became law on May 1, 1997, were designed to protect children's right to an appropriate level of child support; reduce conflict between parents; reduce legal and court costs; and ensure that supporting parents with the same level of income pay the same amount. The Guidelines consist of a set of rules and tables for calculating the amount of support that a paying parent should contribute toward the support of his or her children.

164. The Guidelines changed the manner in which child support amounts are determined under the *Divorce Act*. The *Divorce Act* amendments provided the framework for the *Federal Child Support Guidelines*, while the guidelines themselves have been introduced through the regulatory process. Corresponding amendments to the *Income Tax Act* concerning the tax treatment of child support payments came into effect at the same time.

165. In 1997, amendments were made to the *Family Orders and Agreements Enforcement Assistance Act* (FOAEA). Part I of the Act provides for the release of information from specified federal databases (including Revenue Canada, Canada's income tax collection agency) to assist in locating a person in breach of court-ordered family support payments. The address of the support payer in arrears, as well as the name and address of the individual's employer, are the only information provided. Part II of the Act permits the garnishment of specified federal funds to satisfy support payments.

166. Part III of the Act establishes a mechanism by which federal licences can be denied to, or revoked from, parents who are in arrears of child support payments. Under the Act, a Provincial Enforcement Agency may apply to the Minister of Justice to request that certain federal licences, such as passports and specific aviation and marine licenses, be denied to a debtor who is in persistent arrears. The licence denial process requires that the Provincial Enforcement Agency prove that other enforcement measures have not been successful and that the debtor has failed to meet his or her support obligations for three payment periods or has accumulated arrears of at least \$3,000.

167. Pursuant to the May 1, 1997 amendments, the Provincial and Territorial Maintenance Enforcement Programs are now permitted to electronically access the FOAEA enforcement services.

168. The *Garnisheed, Attachment and Pension Diversion Act* (GAPDA), which permits federal public service employees' salaries and pensions to be garnished for support enforcement purposes, was amended on May 1, 1997. It is no longer necessary to serve a notice of intention to garnish federal salaries, a change that simplifies the process and brings it into line with practices of the provinces, territories and private industry. An applicant for diversion of federal civil service pensions is no longer required to be living in Canada. The Courts have also been given authority to deal with the diversion of specific federal pension benefits in a more expedient manner. Under certain circumstances, pension diversion may occur beyond the previous maximum of 50 percent of a net pension benefit.

169. The Department of Justice Canada informs the public and members of the legal community about the child support laws through a toll-free information line, an Internet site, a number of publications including *Federal Child Support Guidelines: A Guide to the New Approach*; and *A Workbook for Parents*. The department also publishes a reference manual for lawyers and judges, which was recently expanded to include model case studies and additional articles by practitioners.

Factors, Difficulties, and Progress

170. Under the *Action Plan for children*, the Department of Justice Canada established a fund to provide resources to provinces and territories to improve child and spousal support enforcement programs. The financial assistance provided enhanced communications between jurisdictions, the testing of innovative projects and the implementation or updating of automated information systems. The five-year program ended March 31, 1996.

171. The *Report of the Joint Parliamentary Committee on Custody and Access*, completed in December 1998, references issues surrounding the *Federal Child Support Guidelines*. During its research, both Committee members and witnesses frequently commented on the Guidelines. In particular, fathers' groups and some Committee members linked the Guidelines to custody and access issue.

172. The Canadian Centre for Justice Statistics (CCJS), a division of Statistics Canada, is implementing the national Maintenance Enforcement Survey. To date, the CCJS has released a preliminary report containing data from three provincial jurisdictions.

173. Justice Canada is planning a number of studies and analyses to provide baseline information about the broader social context of the child support guidelines and enforcement initiatives. These studies will be based on Statistics Canada and Revenue Canada databases that contain information on divorce, separation, child and spousal awards, custody and access arrangements and the Canadian family in general.

Priorities and Goals

174. Section 28 of the *Divorce Act* requires the Minister of Justice Canada to prepare a report to Parliament on the substantive and functional aspects of the *Federal Child Support Guidelines* by May 1, 2002. During the Parliamentary hearings regarding the Guidelines, the Minister of Justice committed to consulting with the public on the research needed to prepare the report to

Parliament. A program of empirical and legal research has been set in place to monitor the extent to which the Guidelines meet their stated objectives: to protect children's right to an appropriate level of child support; ensure that payers with the same level of income pay the same amount; reduce conflict between parents; and reduce legal and court costs.

175. The Department of Justice Canada participated in the development of specific questions on custody, access and child support for the family and custody history section of the *National Longitudinal Survey of Children and Youth (NLSCY)*. The report will be available in the Spring of 1999.

176. The Department of Justice Canada will be working with Family Mediation Canada, continuing legal education organizations, and public legal education and information organizations to develop materials and education and training programs on child support directed at lawyers, judges, mediation professionals, and special-needs parents and youth.

Institutions and Mechanisms

177. A Federal/Provincial/Territorial Task Force was established in 1996 to ensure effective implementation of child support reforms. The Task Force is responsible for implementing, monitoring and communicating legislative changes to Canada's child support system. This includes the introduction of federal guidelines to establish fairer and more consistent child support payments, and additional enforcement procedures to help provincial and territorial enforcement agencies ensure that family support obligations are respected.

178. The Funding Program component of the Child Support Guidelines Initiative contains 4 program elements: an implementation component; an enforcement component; public legal education, information and intermediary training; and professional training.

179. The Department of Justice Canada works with, and provides funding to, provinces and territories, non-governmental organizations and groups of professionals to assist in the implementation of child support reforms. Activities supported include: administrative changes, development, testing, monitoring and evaluation of innovative approaches; communications, public legal education and information programs; and professional development training activities. The department also helps non-governmental organizations develop and deliver professional training and public legal education and information materials. Funding provides a mechanism for gathering information on how legislation is implemented for future development of government and departmental policy, legislative and program changes.

180. The Department of Justice Canada established a network with the Departments of Finance and Revenue to obtain information on the tax treatment of child support and to facilitate access to information by provinces and territories. The Department of Justice Canada is also working with Human Resources Development Canada to determine how certain benefit payments will be dealt with under the Guidelines.

Government and NGO Cooperation

181. The Government of Canada recognizes the importance of establishing partnerships with non-governmental organizations to inform and educate the general public, stakeholders and divorced and separated parents. The Department of Justice Canada has established working relationships with Public Legal Education and Information (PLEI) organizations to ensure that information on the guidelines is developed and disseminated in a manner that meets various community needs. As well, the Department works with professional organizations, using their education programs and delivery mechanisms, to ensure that a wide range of professionals involved in child support issues are informed and educated on the guidelines.

G. Children deprived of their family environment - Article 20

182. Provincial and territorial governments have jurisdiction over alternative care for children.

183. The federal government provides income support of \$1,020 per child in respect of children deprived of their family environment under the *Children's Special Allowances Act*. This amount will be increased by \$250 per child by July 2000.

184. CIDA's humanitarian assistance work includes family reunification and alternative care for children where possible. Between 1995 and 1997, CIDA supported *Aide aux enfants traumatisés et non-accompagnés*, a project based in Northern Rwanda. Project objectives were to reintegrate unaccompanied children into family environments, encourage the adoption of children by Rwandan families, identify and treat traumatized children and train and organize specialized workers to provide traumatized children with adequate and continuing services.

H. Adoption - Article 21

185. Adoption falls within the jurisdiction of the provinces and territories.

Measures in Force

186. The National Adoption Desk, on behalf of provinces and territories (except Quebec), develops and implements working arrangements with other countries to safeguard the best interests of the child. Article 21 of the *Convention on the Rights of the Child* provides the guiding principles for its activities.

187. Under self-government agreements, Aboriginal communities are assuming greater authority on family law and adoption issues. For example, under a recently negotiated self-government agreement, the Nisga'a First Nation's community governments will assume jurisdiction for child and family services including custody and adoption. The Nisga'a laws will be comparable to provincial standards and will include reciprocal arrangements between jurisdictions.

188. The *Hague Convention on Intercountry Adoption*, ratified December 1996 has entered into force for most provinces and territories. The Convention established a framework for cooperation between States Parties. The Convention allows each State Party to determine how it

will be implemented within their jurisdiction. Implementation structures, legislation, regulations, and policies therefore vary from State to State, and Central Authorities (i.e. provinces) need to collaborate closely to ensure the objectives of the Hague Convention are met. In Canada, the Minister of Human Resources Development (HRDC) acts as the Federal Authority, and the National Adoption Desk carries out the responsibilities under the Convention.

189. Amendments to Canada's immigration regulations were required to bring them in line with the Hague Convention. These amendments, which came into force on April 1, 1997, provide that in intercountry adoptions, the Central Authorities of the receiving country and the country of origin must agree to a child's placement and that immigration requirements must be met before an immigration visa is issued.

Factors, Difficulties and Progress

190. Upon ratification of the *Convention on the Rights of the Child*, in consultation with national Aboriginal organizations, Canada entered a reservation to Article 21. This was done to ensure that recognition of customary forms of care among Aboriginal peoples in Canada, such as custom adoption, was not precluded by the requirement in Article 21, which states that adoptions be authorized by competent authorities, in accordance with applicable laws and procedures.

Priorities and Goals

191. The National Adoption Desk is giving priority to promoting the Hague Convention in Canada and abroad. It focuses on facilitating the cooperation among Central Authorities in Canada and, where required by provinces and territories, between Central Authorities in Canada and foreign Central Authorities.

I. ABUSE AND NEGLECT - ARTICLE 19

Measures in Force

192. In its *Concluding Observations on Canada's First Report*, the UN Committee on the Rights of the Child stated that further measures need to be considered to effectively prevent and combat all forms of corporal punishment and ill-treatment of children in schools or institutions where children may be placed. The Committee also referenced the existence of child abuse and violence within the family and insufficient protection afforded by existing legislation in that regard.

193. The *Criminal Code of Canada* contains several provisions to protect children and youth from all forms of sexual abuse, including: sections 151 (sexual interference), 152 (invitation to sexual touching), and 153 (sexual exploitation). Specific offenses in the *Criminal Code* concerning parents, guardians and householders include: sections 170 (parent or guardian procuring sexual activity), 171 (householder permitting sexual activity) and 172 (corrupting children).

194. The Family Violence Initiative (1991-1996) supported a wide range of activities including research, program development, demonstration projects, evaluation studies on existing programs, professional training, and public awareness and education. The current Family Violence Initiative (1997-2002) continues these activities through the funding of numerous information, training and evaluation projects.

195. Two components of the initiative are The National Clearinghouse on Family Violence and the Family Violence Prevention Unit. The National Clearinghouse on Family Violence provides support to front-line workers, health professionals, educators, law enforcement officials and others in the prevention and treatment of all forms of child abuse and neglect. Health Canada is the lead department on this initiative, and provides leadership in the prevention of family violence through the coordination of federal action and collaboration with voluntary and corporate sectors, national professional associations and provincial and territorial governments.

196. Since the 1970s, the Canada Mortgage and Housing Corporation (CMHC) has financed the building or renovation of shelters for women and children fleeing domestic violence. In 1992, in partnership with the Family Violence Initiative, CMHC launched the Next Step Program to provide capital funding for non-profit organizations to build second stage housing, provide transitional housing with more security, support services, and to permit longer stays than first stage emergency shelters for women who have left abusive domestic situations. During the five-year program, 174 second-stage units were developed.

197. A national consultation hosted by CMHC in 1994 indicated a need to ensure that existing shelters are safe and secure and that they address the special needs of children, persons with disabilities and older Canadians. In addition, a lack of shelters was identified in northern and remote regions. In response, the Shelter Enhancement Initiative (SEI) was established to renovate and upgrade existing shelters and to develop a limited number of new emergency and second stage units. Between 1995 and 1997, CMHC directed the enhancement of 4,448 bed/units and the development of 61 emergency beds and 22 second stage units. Additional federal funding extended the SEI project to March 31, 1998.

198. The Department of Indian Affairs and Northern Development (DIAND) and Health Canada provide funding for First Nations family violence prevention projects on reserves. In 1996-97, DIAND funded 321 projects in this area.

Factors, difficulties and progress

199. In its *Concluding Observations*, the UN Committee on the Rights of the Child asserted that existing Canadian legislation does not adequately protect children from abuse and neglect. The Government of Canada's view is that in addition to the protection provided in criminal legislation, all provinces and territories have child welfare legislation that permits authorities to remove a child from a home when in danger of physical or emotional abuse, including neglect. The Government of Canada has been seeking to reinforce and clarify protection under the *Criminal Code*.

200. The *Criminal Code* applies to actions taken against children as well as adults. However, s. 43 of the *Criminal Code* permits a parent, teacher or person acting in the place of parent to invoke a defence to a criminal charge where the parent, teacher or adult acting in place of the parent uses reasonable force against a child by way of correction. A non-government organization, Canadian Foundation for Children, Youth and the Law, has received funding from the government-funded Court Challenges program to apply to a Canadian court for a determination as to whether s. 43 of the *Criminal Code* infringes children's constitutional rights under the Canadian Charter of Rights and Freedoms.

Priorities and Goals

201. Health Canada continues to promote research on alternative methods of punishment and also works, through various media, to increase public awareness of family violence. A current example of the latter function is the Family Violence Prevention Unit's funding of a music video for children and adults on the subject of alternatives to corporal punishment.

202. Health Canada is also supporting the development of the *Canadian Incidence Study of Reported Child Abuse and Neglect (CIS)*, which studies the incidence of several types of abuse. Also, through the Reporting and Classification of Child Abuse in Health Care Settings Project, the department has supported research on the ways in which selected Canadian pediatric hospitals classify and report child abuse.

203. In June 1997, DIAND and CMHC announced they would jointly fund the capital costs of building 10 new family violence emergency shelters across the country. They expect the centres to be in operation by the end of 1999.

Government and NGO Cooperation

204. The Child Welfare League of Canada, with financial support from Canadian Heritage and Health Canada, has developed resources to promote healthy parenting and disseminate information on child abuse in 11 languages. The brochures were distributed to organizations that provide family services to ethnocultural communities as a way of helping parents better understand the Canadian system to protect children from abuse.

205. Status of Women Canada, a federal agency, provides funding assistance to organizations in support of advancing gender equality, including those which support actions and strategies that address the impact of family violence on girls. These initiatives include public education activities and the development of action plans aimed at preventing sexual abuse, workshops in schools to address issues such as dating violence and sexual harassment and protocols to improve community responses to the needs of girls. For example, the agency has provided financial support under the Family Violence Initiative to an alliance of 5 research centres on family violence and violence against women. The funding supports the alliance in its development of recommendations for a national strategy for the prevention of violence to female children.

206. The Government of Canada is allocating \$2.75 million per year to a non-governmental group to cover legal costs associated with cases of national significance in further defining the nature and extent of constitutionally-based rights contained in the Canadian Charter of Rights and Freedoms. Cases encompass issues such as the aforementioned issue of corporal punishment of children, the right to education in a minority official language, and protection of children with disabilities, among others. The government's objective is to contribute to an up-to-date body of legally-protected individual rights, with special attention being paid to traditionally disadvantaged segments of our society.

207. Health Canada supports a range of activities to improve understanding of child abuse and its health consequences, to identify best practices through research, data gathering and evaluation activities. Moreover, Health Canada promotes increased public and professional awareness, particularly in the health field, about the causes and consequences of child abuse. Participation in these activities is ongoing with a number of advisory groups.

VI. BASIC HEALTH AND WELFARE

208. In Canada, responsibility for services to improve the basic health and well-being of Canadians is shared between the federal, provincial and territorial governments.

209. Provincial and territorial governments are responsible for the delivery of Canada's health care and hospital services. In partnership with provincial and territorial governments, the Government of Canada provides national leadership to develop health policy, test ways the health care system can be improved, enforce health regulations, promote disease prevention and enhance healthy living for all Canadians. The federal government also ensures that health services are available and accessible to First Nations and Inuit communities. It also works closely with other agencies and health stakeholders to reduce health and safety risks to Canadians.

210. With regard to the range of social services, including income security, child and family services, employment insurance, services for disabled persons and housing services, responsibilities are shared between governments, and are described in greater detail throughout this chapter.

211. The federal government shares in the cost of these health and social services through annual Canada Health and Social Transfer (CHST) allocations. The 1996 Federal Budget introduced the Canada Health and Social Transfer (CHST), replacing both the Canada Assistance Plan (CAP) and Established Programs Financing (EPF). Under the CHST, federal funds which support post-secondary education, health, social services and social assistance are transferred to the provinces and territories in a block fund. Compared to previous program-specific approaches, the CHST allows provinces and territories to allocate resources at their discretion directly into the areas which they have identified as in need. The CHST also increases provincial/territorial flexibility in the development and delivery of social programs, including child care and services for disabled children. As under the Canada Assistance Plan, the CHST continues to permit provinces and territories to establish welfare rates and eligibility criteria.

212. The CHST includes a five-year funding arrangement through which fiscal transfers are maintained and then increase according to a formula tied to GDP. For 2000-01, entitlement will grow at 2 percent less than the growth rate of GDP. The rate of entitlement growth will then accelerate in 2001-02 and 2002-03 to 1 percent less than the growth rate of GDP. The resumption of entitlement growth is designed to first stabilize, and then restore the CHST cash component. To provide additional security, legislation has set a minimum transfer level throughout the five-year fiscal arrangement.

213. Aboriginal communities are taking more control over the governance of their membership, including such matters as the design and delivery of health and welfare services and programs. The Government of Canada is facilitating this through the *Inherent Right Policy* described in this Report under *General Measures of Implementation*. In response to the recommendations of the *Royal Commission on Aboriginal Peoples* and the Government's *Gathering Strength Action Plan*, this policy framework is being adjusted to stress the renewal of government-to-government relationships with Aboriginal communities. Emphasis is placed on strengthening Aboriginal governance through capacity-building in the transition to self-government.

A. Disabled Children - Article 23

Measures in Force

214. The *Vocational Rehabilitation of Disabled Persons Act* (VRDP) enabled the Government of Canada, under time-limited agreements, to contribute 50 percent of approved costs incurred by provinces and territories in providing programs to enable persons with disabilities to pursue employment. The VRDP has been replaced by a considerably enriched *Employment Assistance for Persons with Disabilities* (EAPD) program, funding for which was increased starting in 1998-99.

215. From 1991 to 1996, the *National Strategy for the Integration of Persons with Disabilities* funded the identification, development and dissemination of model programs and policies to deal with the needs of children with disabilities in daycare, child care and school settings. Work is now underway on the *Federal Disability Strategy*, which will focus on laying the foundation for sustained action towards a vision of full participation for people with disabilities.

216. The federal government has announced a number of new tax-related initiatives to help disabled persons, including disabled children. First, tax assistance for the care of infirm dependents has been increased by close to 50 percent. Also, a number of new tax measures have been introduced to reflect disability costs (including those related to children). The list of expenses eligible for the medical tax credit has been broadened, the \$5,000 limit on attendant care expenses has been removed, and entry of goods designed for the use of persons with disabilities will be duty free. Further, existing homeowners have been provided with tax assistance to purchase a more accessible home or a home for a disabled dependent relative, and the service of providing temporary care to a disabled person who has limited means of self supervision or self-care, will be exempt from the federal value-added tax. In addition to these tax measures, grants for students with disabilities have been introduced to better enable them to pursue their studies.

217. Many federally-sponsored housing programs include special provisions for persons with disabilities. A significant proportion of non-profit dwellings house people with physical disabilities, and many of these units incorporate special design features. Priority is given to making shelters accessible to women with disabilities and funding units suitable for people using wheelchairs. These programs not only help those children who have disabilities, but also help to keep disabled family members within a domestic setting.

218. Since 1981, the *Rehabilitation Residential Assistance Program (RRAP) for Persons with Disabilities* has provided loans and grants to cover the cost of major home modifications or repairs that assist in independent living. This program is available to all persons with disabilities, including children. Funding for the RRAP program has been extended to 2003.

219. Parents of children with disabilities are entitled to 4 tax credits: the disability tax credit, the medical expense tax credit, the refundable medical expense tax credit, and the child care expense deduction.

220. CIDA contributes to efforts to eliminate iodine deficiency disorder which is the most common nutritional disorder in the world and causes mental impairments in children. In 1996-1997, the Asian Regional Iodine Deficiency Control Project supported programs in Bhutan, Cambodia, China, India, Indonesia, Laos, Maldives, Myanmar, Nepal, Pakistan, Sri Lanka, Thailand and Vietnam.

Factors, Difficulties and Progress

221. The 1998 Federal Budget increased the *Canada Study Grant for Students with Disabilities*, which covers exceptional costs related to permanent disabilities, including tutors, interpreters and special equipment.

222. While a range of national measures exist for data collection and analysis related to health and well-being, some of which include information on disabilities, there is no national collection, synthesis and analysis of data and information related specifically to children with disabilities.

223. Improved knowledge and technology has meant that more children survive chronic disabilities such as cystic fibrosis, muscular dystrophy and cerebral palsy. The number and level of services required to address the needs of these children and their families will likely increase as they seek to improve their living conditions.

224. Improved knowledge of early fetal and infant development is likely to lead toward the identification of a greater number of genetic and biological links with developmental disabilities. Accordingly, there is a need to set safeguards against the potential dangers of genetic screening

and genetic therapy. Possible concerns include freedom of choice of the individual and privacy. The ethical and legal aspects of confidentiality should be addressed because genetic information is both an individual and a family concern.

Priorities and Goals

225. In 1996, the government appointed the Federal Task Force on Disability Issues to consult with the disability community and develop recommendations for future policy directions. An initial outcome of the task force was the extension of the *Vocational Rehabilitation of Disabled Persons Act* (VDRP). The 1997 federal Budget further reflected 2 key findings of the task force: tax reform to better reflect the cost of a disability, as well as measures to reduce barriers to employment for people with disabilities. Many of the recommendations of the task force have been implemented (see “Progress” above).

226. *In Unison*, a federal/provincial/territorial initiative, sets out a vision and policy framework for the full participation of persons with disabilities in all aspects of Canadian society.

Institutions and Mechanisms

227. The Office of Disability Issues (ODI), within Human Resources Development Canada (HRDC), works to ensure the equitable access and effective participation of Canadians with disabilities in all activities within federal jurisdiction. While HRDC does not have a specific program or service mandate with respect to children with disabilities, ODI does have a mandate to look broadly at the implementation of human rights measures as they apply to all persons with disabilities, including children.

Government and NGO Cooperation

228. Health Canada, with the Active Living Alliance for Canadians with a Disability (ALACD) and its partner organizations, provides teachers with materials that facilitate the inclusion of students with disabilities in physical activity programs of schools. In partnership with the provincial and territorial Ministries of Education, ALACD provides classroom tools to teachers and promotes awareness of the program.

229. In collaboration with the Government of Canada, the Learning Disability Association of Canada developed 2 manuals of resources, materials and techniques for parents of children with learning disabilities.

230. The Open House Program of the Department of Canadian Heritage provides funding to NGO's to organize reciprocal group exchanges. Special consideration is given to certain target groups, among which is “youth with disabilities”.

B. Health and Health Services - Article 6 & 24

Survival and Development - Article 6

231. Research on child development has shown that the well-being of a child in the first few years of life has a long-term impact on health, cognitive capacity, coping skills and socialization. Accordingly, the Government of Canada is committed to giving children a better start in life through prevention and intervention programs designed to address conditions of risk during the earliest years of a child's life.

232. In addition, federal, provincial and territorial governments, with the support of an active voluntary sector, provide a range of health and social services designed to provide Canadian children with optimal conditions for growth and development.

Measures in Force

233. The *Community Action Plan for Children (CAPC)* enables communities to design and develop programs to address the health and development needs of children from birth to age six. CAPC focuses on children at risk, including children living in low-income families, children living in teenage-parent families, children experiencing developmental delays, social, emotional or behavioural problems, or abused and neglected children. More than 350 CAPC projects serve 56,000 children and their parents each week. CAPC is jointly managed by the federal, provincial and territorial governments through a series of protocols.

234. The impact and benefits on the health and social development of children from CAPC programs are monitored through an on-going evaluation process at the national, regional and local levels. CAPC projects are evaluated through a variety of methodologies, including observation and epidemiological studies.

235. The Canada Prenatal Nutrition Program (CPNP) provides resources for community-based groups to develop or enhance programs for pregnant women who are at risk due to poor health and nutrition. Projects supported by CPNP include food supplementation, nutrition education and counselling services on issues such as alcohol abuse, stress and family violence. In 1999, there were 280 projects across Canada and in 400 First Nations and Inuit communities. Additionally, the program will be expanding and the number of women served will grow from approximately 20,000 per year to 35,000.

236. The 1997 Federal Budget expanded the CAPC and the CPNP by providing additional funding over 3 years starting in 1997-98. In turn, the 1999 Federal Budget increased funding for the CPNP over three years. The additional funding announced in 1999 will help expand the reach and number of CPNP projects. As a part of the CPNP, the government will increase its prevention and public education efforts for Fetal Alcohol Syndrome (FAS) and Fetal Alcohol Effects (FAE) in cooperation with provincial and territorial governments, First Nations and Inuit communities and other NGOs and community organizations. The capacity of the Canadian

Perinatal Surveillance System (CPSS), which collects, analyzes and reports data about the health of pregnant women, mothers and infants, will also be increased as part of the ongoing evaluation of the CPNP.

237. In the *Concluding Observations to Canada's First Report on the Convention on the Rights of the Child*, the Committee on the Rights of the Child gave special emphasis to Aboriginal health programs. In the present reporting period, the Government of Canada has developed and supported the *Aboriginal Head Start (AHS)* program, an early intervention initiative that addresses the needs of Aboriginal children living in urban centres and northern communities. Early intervention typically includes parental involvement, early childhood and nutrition education and other social services for children and families. For example, resources from this program have been used to support 98 pre-school early development centres serving 3,500 First Nations, Inuit and Métis children ages 0-6. The centres focus on school readiness and include cultural and language components.

238. In 1995, *National Guidelines for Childhood Immunization Practices* were drafted by the National Advisory Committee on Immunization (NACI) following an extensive consultation process. The guidelines are an integral part of achieving Canada's goals and targets for vaccine-preventable diseases of infants and children. Their purpose is to achieve a standard of practice that will ensure vaccines are handled properly and delivered to all children as recommended by provincial and territorial programs.

239. Immunization practices have had a positive effect on child health in Canada. For example, the Hib conjugate vaccine, which since 1992 has been routinely given to infants, has reduced the incidence of infant meningitis by 85 percent. In 1996, the introduction of a two-dose measles vaccine program has significantly reduced the transmission and incidence of measles.

240. Health Canada has strengthened national surveillance and risk assessment; targeted research in the areas of vaccine efficacy; undertaken cost benefit studies of various prevention strategies; completed vaccine comparisons; and conducted investigations of adverse events. A national public health goal for the elimination of measles by the year 2005 has been established and a consensus conference was held on the development of computerized immunization registries.

Factors, Difficulties and Progress

241. Funded by Health Canada's Women's Health Bureau, the *Adolescent Girls and Young Women Health Strategy* is a research project of the British Columbia Centre of Excellence for Women's Health. The project aims to develop innovative approaches for empowering adolescent girls and young women through their participation in and direction of research that addresses their health issues. Another goal of the project is to produce a research protocol that addresses the difficult ethical and jurisdictional issues involved in researching children and youth, particularly young women.

242. The Government of Canada is using extensive national and international surveillance networks to create a picture of child health risks, patterns and trends across Canada. Health

Canada collects data on the identification, investigation, prevention and control of diseases as well as health policy information from various agencies, programs and jurisdictions. The information is used for disease prevention and control, as well as for policy development.

Aboriginal Children

243. Generally speaking, children in Canada enjoy a healthy start in life. However, despite significant gains, the majority of Aboriginal children still fall below the Canadian average in a range of child health indicators. This discrepancy is a concern for the Government of Canada and is the focus of a number of initiatives for Aboriginal peoples.

244. The First Nations and Inuit component of the *Brighter Futures Initiative* (BFI) provides funds for community-based mental health and child development initiatives. The government also provides funding and technical expertise to communities through the Indian and Inuit Healthy Babies Program. Moreover, it assists in the development of community programs in the areas of parenting skills, childhood injury prevention, youth activities, community mental health programs, solvent abuse and prenatal nutrition.

245. The *Building Healthy Communities* (BHC) initiative, launched in 1994-95, continues to enhance and expand existing health programs and respond to urgent needs of First Nations and Inuit peoples. It addresses priorities in the areas of mental health, solvent abuse, and home care nursing and includes a transfer strategy to facilitate community control of health resources.

Priorities and Goals

246. The Government of Canada is committed to expanding the current Aboriginal Head Start Program to serve on-reserve populations. It is expected that more than 120 First Nations communities will operate Head Start programs.

247. The Government of Canada has established national surveillance networks to collect, analyse and disseminate health information on cancer, youth risk behaviour, perinatal health, child abuse and neglect, diabetes and asthma. The networks include the First Nations Health Information System, the National Health Surveillance System and the Canada Health Information System.

Institutions and Mechanisms

248. The Department of Indian and Northern Affairs Development, Health Canada and Human Resources Development Canada, in partnership with First Nations, are responsible for most social and health-related programs on reserves. These 3 departments are committed to coordinated program design, delivery and communication to improve the well-being of First Nations and Inuit children and youth.

Government and NGO Cooperation

249. The Canadian Institute of Child Health (CICH) is a national non-profit organization dedicated to improving the health and well-being of children and youth in Canada. In 1997, CICH published *The Canadian Girl Child: Determinants of the Health and Well-being of Girls and Women*, which examines growing up female in Canada. As a follow-up activity, CICH is developing a project for a "Girl Child Electronic Network" in Canada and overseas. The network will provide an educational and informational resource for young women and health care and social service providers. Partners in this project include Health Canada's Women's Health Bureau, World Vision Canada, Save the Children Canada, Foster Parents Plan of Canada and the Christian Children's Fund of Canada.

250. In 1996, Health Canada and the Canadian Pediatric Society released the *Joint Statement on Prevention of Fetal Alcohol Syndrome (FAS) and Fetal Alcohol Effects (FAE) in Canada*, the product of 19 national voluntary associations representing medical, nursing and midwifery disciplines, and Aboriginal and multi cultural groups. The statement provides relevant and factual information to guide health professionals in the treatment and counselling of women, their partners and families with respect to alcohol intake during pregnancy.

251. In cooperation with the Aboriginal Nurses Association and under the guidance of a National First Nations Working Group, Health Canada developed *It Takes a Community*, a resource manual on Fetal Alcohol Syndrome/Fetal Alcohol Effects (FAS/FAE) prevention strategies for community workers. The government has integrated these strategies into community-based initiatives such as the Canada Prenatal Nutrition Program, the National Native Alcohol and Drug Abuse Program and the First Nations and Inuit Component of Brighter Futures Initiative.

252. Health Canada, the Association of Canadian Distillers and the Brewers' Association of Canada, in partnership with the Canadian Centre on Substance Abuse, provide support for a national resource centre on FAS/FAE. This service, accessible by a toll-free number, was implemented in April 1994, and provides expertise as well as information about support groups and prevention projects on FAS/FAE.

253. In Canada's *First Report on the Convention on the Rights of the Child*, the federal government identified prenatal nutrition as a priority area. In 1998, the Canadian Pediatric Society, Dietitians of Canada and Health Canada released *Nutrition for Healthy Term Infants*, a new national statement on nutrition for healthy term infants from birth to 24 months. The document summarizes the existing scientific literature on infant nutrition and presents principles and recommendations to help health care professionals promote optimal, evidence-based nutritional care for infants in Canada.

254. The appropriate dosage and use of both prescription and non-prescription drugs is an important consideration for children's safety and well-being. In 1996, Health Canada, the Canadian Pharmaceutical Association and the Canadian Pediatric Society jointly reviewed the labeling of selected drugs, resulting in revisions to the directions for use of some drugs for children.

255. In 1996, Health Canada and the Canadian School Boards Association produced a joint publication, *Anaphylaxis: A Handbook for School Boards*. This resource provides guidance to schools in developing policies to manage issues around serious allergic reactions to foods, and has been broadly promoted across Canada.

256. In 1995, the Canadian Institute of Child Health and Health Canada published the *Survey of Routine Maternity Care and Practices in Canada*. The report provides updated and expanded baseline data related to pre-natal, maternal and infant health.

257. In 1992, Health Canada, in conjunction with community organizations, developed the *Canadian Children's Safety Network*, to help reduce the incidence of injuries to children under the age of seven, especially among disadvantaged and Aboriginal peoples. The Network strengthens existing injury prevention initiatives, enhances partnerships, provides a wider forum for the exchange of information and increases public awareness. The Network's electronic component was developed from 1994 to 1996.

Health and Health Services - Article 24

258. Total health expenditures (public as well as private) in Canada represent 9.0 percent of GDP in 1997, a decrease from 9.2 percent in 1996. The latest data indicate that in 1998, this trend was reversed: 1998 expenditures as a share of the economy increased slightly to 9.1 percent. Public sector health expenditures grew 3.7 percent from 1997 to 1998, up from an increase of 1.5 percent between 1996 and 1997, and 0.2 percent between 1995 and 1996.

259. The Canadian health care system ensures that all residents of Canada have reasonable access to insured health care services on a prepaid basis. The system is an interlocking set of provincial and territorial health insurance plans, resulting from the constitutional assignment of most aspects of health care to the provincial/territorial level of government. The federal government assists in the financing of provincial/territorial health care services through the *Canada Health and Social Transfer* (CHST).

260. The *Canada Health Act* (CHA), passed by Parliament in 1984, is the cornerstone of the Canadian health system, affirming the federal government's commitment to a universal, comprehensive, portable and public administered health insurance system. The CHA aims to ensure that all residents of Canada have access to necessary health care on a pre-paid basis.

261. The federal government is committed to increasing transfers to provinces and territories for strengthening health care for Canadians. The 1998 budget increased the amount of the transfers under the CHST by \$7 billion over 5 years (1997-98 to 2002-03). In addition, the 1999 budget increased the transfers by \$11.5 billion over 5 years starting in 1999-2000, specifically for health care.

262. Since the mid-1980s, the Government of Canada has worked to transfer resources for community health programs and the operation of health facilities to Aboriginal community administration. There are now 107 signed transfer agreements (representing 209 communities) and over 265 First Nations communities are in the planning stages of transfer.

Measures in Force

263. The *Hazardous Products Act* empowers the Government of Canada to regulate or ban products that present a danger to the health or safety of Canadians, including children. The Product Safety Program of Health Canada regulates and provides information on the safety of toys, children's furnishings, children's clothing, household products, child-resistant closures on chemical products and child-resistant lighters. The program also provides public education and information programs on product safety issues. Health Canada encourages the development of voluntary industry standards for children's products.

264. The *Tobacco Act* came into force on April 25, 1997. The Act governs the manufacture, promotion, labeling and sale of tobacco products, and reflects the Supreme Court of Canada's 1995 ruling on tobacco advertising restrictions. A key component of the Act is to protect the health of young people by prohibiting sales of tobacco to minors.

265. The Tobacco Demand Reduction Strategy (TDRS), initiated by the Government of Canada in 1994, specifically targeted youth for tobacco prevention, protection and cessation activities. Under the 1996 Tobacco Control Initiative (TCI), the strategy was enhanced and extended for a five year period. Key components of the initiative are legislation and regulation, enforcement, research and public education. The public education component aims to improve the overall health and quality of life of Canadians, especially young Canadians, by reducing tobacco-caused illness and death through a balance of activities focused on prevention (helping non-smokers to remain smoke-free), protection (protecting the health of non-smokers), and cessation (encouraging and helping those who want to quit).

266. The TDRS also supports First Nations and Inuit communities in their efforts to reduce the non-traditional use of tobacco through prevention, education, awareness and research programs.

267. The *Canadian Environmental Assessment Act*, approved in 1995, is jointly administered by Health Canada and Environment Canada. Under the Act, federal departments and agencies are required to assess the environmental implications of all their projects. The Act also ensures that decision-making is a clear and transparent process that takes into consideration environmental, health and economic factors, and public concerns.

268. The Government of Canada has developed several programs and initiatives to help new parents make informed decisions about breast-feeding, including the Postpartum Parent Support Program, the Social Marketing Breast-feeding Strategy, and parent resources such as *10 Great Reasons to Breast-feed* and *10 Valuable Tips for Successful Breast-feeding*. In 1995, the Health Canada *Study of Attitudes on Breast-feeding* provided an increased understanding of the attitudes, behaviours and experiences of women of childbearing age related to breast-feeding, and will guide the development of strategies to increase the initiation and duration of breast-feeding among women in Canada.

269. The *Postpartum Parent Support Program* (PPSP) is a community-based health promotion program designed to meet the educational needs of the parents of newborn children.

The program provides clear, consistent answers to questions asked by parents, family members and health professionals. As outlined in *Canada's First Report*, PPSP materials are available in 15 languages in addition to English and French.

270. In its efforts to prevent, control and treat HIV/AIDS, the Government of Canada actively supports the sharing of best practices among health and social service providers. It also supports a strong, Canada-wide, community-based infrastructure that responds to the changing face of HIV/AIDS, including education and prevention resources for children and youth, First Nations and Inuit communities.

271. The Government of Canada monitors childhood illness, injury, death and associated risk factors, such as sexually transmitted diseases (STDs) through national surveillance and assessment programs. For example, the Canadian Hospital Injury Reporting Prevention Program (CHIRPP) collects and analyzes data on injuries and poisonings from the emergency departments of 16 hospitals across Canada, both pediatric and general. Since 1990, CHIRPP has collected data on injuries sustained at sporting and leisure activities, daycare centres and the home. Surveillance data is used in public health, clinical practice, health advocacy and research settings to develop and evaluate policies and programs.

272. In its 1999 Budget, the Government of Canada announced that it is working with Aboriginal stakeholders to develop an *Aboriginal Diabetes Strategy*, which will include an emphasis on diabetes among children. The strategy will address the training of health professionals, the tailoring of services including prevention, diagnosis and treatment, and the strengthening of research in this area.

273. Although legislation requiring the use of child restraints for children under 20 kg in motor vehicles is a provincial and territorial responsibility, Transport Canada is responsible for the Child Seats and Restraints for Vehicles Program under the *Motor Vehicle Safety Act*. This program regulates child restraint systems, provides information on correct use, and issues notices of defective seats.

274. The Canadian Agricultural Injury Surveillance Program (CAISP) is a national program funded through the Canadian Agriculture Safety Program (CASP) of Agriculture and Agri-Food Canada and administered by community-based agencies within each province. The main purpose of the CAISP is to collect and interpret information on agricultural injuries from across Canada. In October 1998, the CAISP released the report entitled *Fatal Farm Injuries in Canada, 1991-1996* and in March 1999, released *Hospitalized Farm Injuries in Canada, 1990-1996*.

International Cooperation

275. CIDA makes a significant contribution to improving the health of children in developing countries and countries in transition in Central and Eastern Europe. Adopted in 1996, CIDA's *Strategy for Health* has identified children's health and nutrition as key objectives. It outlines initiatives to strengthen primary health care, fully immunize every girl and boy to protect against diseases such as polio and measles, reduce child malnutrition and eliminate micro nutrient deficiencies, promote reproductive health, and strengthen health promotion and education for

children and adolescents through school-based programs. The *Strategy for Health* provides guidance for CIDA's programs branches in designing and assessing programs and projects in the health sector, as well as in other sectors, within the context of overall strategies to support sustainable human development.

276. CIDA is the lead bilateral donor in the fight against micro nutrient malnutrition. This assistance is contributing to the elimination of iodine deficiency through salt iodization and vitamin A deficiency through the distribution of vitamin A capsules during national immunization days. It will also facilitate integrated child health and nutrition programming, including child health days, to ensure high cost effectiveness through development assistance. Among its initiatives to reduce micro nutrient malnutrition, CIDA has contributed to the Global Vitamin A Project, the South Asia Micro nutrient Commodities Project, the Micro nutrient Commodities Project, the Food Fortification Research and Development Project, the MICAH Project, and the Nutrition and AIDS project. CIDA works closely with multilateral institutions such as the Micro nutrient Initiative and UNICEF on these efforts.

277. CIDA is concerned that many countries of the world are experiencing alarmingly high rates of maternal and infant morbidity and mortality. From 1988 to 1998, through the Pan-American Health Organisation, CIDA worked on the *Perinatal Health Care Project* with communities and health workers in Latin America to develop innovative tools, technologies and training in an effort to decrease maternal and infant morbidity and mortality in areas from peri-urban slums to rural agricultural communities.

278. The HIV/AIDS pandemic is another crucial health issue that CIDA is addressing. For example, CIDA is supporting the *Role of Nutrition in Reducing AIDS-Vitamin A Zimbabwe Trial Project* in Harare, Zimbabwe to determine whether a single high dose of vitamin A to the mother and/or her infant can decrease HIV transmission during breast-feeding. The project began in 1997 and is expected to be a six-year project. This research is important because it seeks to preserve breast-feeding especially in countries where women lack access to food supplements and the hygienic conditions needed for formula preparation. Balancing the rights of women and infants under these difficult circumstances is a complex process and CIDA is assisting research to better address these issues.

279. Beginning in 1995, phase II of the *SADC AIDS Training Program* is another innovative project supported by CIDA in the area of HIV/AIDS. The project aims to promote and assist community-based prevention, support, coping and care responses to the HIV/AIDS epidemic in Southern Africa. Particular attention is given to those most vulnerable to HIV/AIDS and promoting peer education, HIV prevention, psycho-social health and community care and advocacy. Phase II will be completed in 2001. The *Whole Child Health Project*, undertaken in Zambia in 1997, also supported poor children by aiming to reduce their vulnerability to hunger, illiteracy, HIV/AIDS and other diseases, especially orphans and to provide HIV/AIDS prevention knowledge to them.

280. Canada is the lead government supporting international tobacco control. This is important for children's health for the following reasons: children born of smoking mothers are

often smaller compounding the problem of low-birth weight in developing countries; children exposed to tobacco smoke have more respiratory infections; and children are being targeted aggressively by tobacco companies.

281. Finally, CIDA is providing high quality reproductive health services for women and girls. In Latin America, in partnership with Planned Parenthood Federation of Canada, CIDA is focusing its efforts on adolescents in a project strategy that recognizes that young people need to gain the knowledge, attitudes and skills that become the foundation for healthy adulthood. The project, *Adolescent Sexuality & Reproductive Health* runs from 1997-2000. It fosters innovative approaches to family planning and reproductive health, especially targeting adolescents to help them make informed decisions.

Factors, Difficulties and Progress

282. Improvements in medical treatments, living conditions, and infectious disease control have contributed to the improved overall health of Canadians, including children. According to *Toward a Healthy Future: Second Report on the Health of Canadians*, a joint initiative of the federal, provincial and territorial governments, Canadians today generally live longer, fewer infants die in the first year of life and death rates from certain diseases are in decline. However, this standard of health is not shared equally by all Canadians. Life expectancy is affected by level of education, income and gender. In addition, there is increased awareness that children's health may also be threatened by emerging environmental risks such as persistent organic pollutants, pesticides, as well as airborne and waterborne pollutants.

283. From 1992 to 1997, Health Canada, the Department of Justice Canada, Solicitor General/Royal Canadian Mounted Police, and the Department of Canadian Heritage participated together in the **Child Development Initiative (CDI)**. This initiative consisted of 33 programs aimed at children at risk due to poverty, poor health and nutrition, mental health problems, developmental problems, disability or injury, or abuse and neglect. A post-program evaluation showed that while the mandate and objectives of the initiative were relevant and funded activities did make a contribution to reducing the risk factors, more rigorous interdepartmental coordination would have led to clearer policy development.

284. During the reporting period, the Government of Canada worked with provincial and territorial health departments and NGOs to develop goals to safeguard and improve the health and well-being of all children and youth in Canada and to enhance the quality of life for children and families. The document *Turning Points* sets out 8 national goals for healthy child development and contains a strategic plan that necessitates cooperation among federal departments, NGOs and the private sector.

285. Canada maintains a partial compliance rating with the *International Code of Marketing of Breast-milk Supplements*. All Canadian jurisdictions have agreed that the Code in Canada be implemented through collaboration, education and health promotion rather than through legislation and regulation. Health Canada also initiated the development of a coalition, The Breast-feeding Committee for Canada, whose membership is composed of national health and professional organizations and associations as well as government and individual breast-feeding experts.

286. The overall prevalence of smoking in the Canadian population has decreased over the past 30 years. An evaluation of the Tobacco Demand Reduction Strategy (1994-1997) concluded that a wide range of factors influence and reinforce smoking by youth, and that traditional approaches to tobacco cessation and prevention among youth are not always the most effective. Subsequent prevention and cessation efforts will build on these findings by considering the influence of peers in young peoples' decision to smoke or not and by including youth in the design and delivery of projects.

287. Tobacco consumption is an important factor affecting the health of girls and young women. The percentage of females aged 15 to 19 who smoke rose from 21 percent in 1990 to 31 percent in 1996. Research has shown that the initiation of smoking by girls and women is influenced by social pressures, the desire to lose weight or stay thin, and advertising that uses themes of sexual attractiveness and freedom. Smoking prevention and cessation programs targeted at young girls will need to consider these influences.

288. From 1992-97, Health Canada sponsored the *Action Plan on Health and the Environment* (APHE). Many of the activities, which included monitoring groups at risk and facilitating individual and community action and international liaison, had a child focus. Through APHE, the Government of Canada has identified strategic priorities in the control of toxic substances in the environment, assessment and management of bio-regional health effects, environmentally related disease surveillance and control, and community action and social marketing.

289. During the reporting period, the Government of Canada renewed other major programs to measure environmental impacts and protect the health of Canadians, including children. The *Great Lakes 2000 Initiative* has examined prenatal exposure to organochlorines and their neuro-behaviourial effects in newborns and the impact of organochlorine exposure on reproductive health. The initiative also developed a cancer atlas for residents of the Great Lakes Basin. Key programs related to Aboriginal people include the *Effects on Aboriginals from the Great Lakes Environment* (EAGLE) and the *Drinking Water Safety Program for Native People*.

290. The effect of environmental contaminants in air, water, soil, food and general consumption products on children's health is an important concern for Canadians. The International Joint Commission has noted that environmental issues are increasingly gaining public attention, scrutiny and active participation. While there is recognition that children are at special risk compared with adults, much remains to be done to improve protection of children's health from environmental contaminants. Children are particularly vulnerable to environmental contaminants because they eat more food, drink more water and breathe more per unit of body weight than adults. Their particular development path (crawling, mouthing) also place them at greater risk of exposure from certain environmental contaminants.

291. The Government of Canada believes a healthy physical environment is important for children. The Canada Mortgage and Housing Corporation (CMHC) provides information on technical approaches to "healthy housing" that are practical and affordable. CMHC is a leader in research about housing for the environmentally hypersensitive and publishes *Building Materials for the Environmentally Hypersensitive*, a guide for home builders that includes information about building materials, humidity and temperature levels.

Priorities and Goals

292. The *National Forum on Health*, launched in 1994, examined the medium- to long-term issues facing Canada's health system to find innovative ways to improve the health of Canadians. The health and well-being of children and youth was given prominent attention within the Forum's presentations and recommendations. Some of Canada's leading experts discussed the issues of youth homelessness, childhood injuries, optimal development of youth, child sexual abuse and early childhood development.

293. Among the conclusions of its February 1997 report, the Forum found that improving the health and well-being of children is one of the best investments that can be made in health care. It placed special emphasis on investments in young children, and recommended a broad and integrated strategy of initiatives for children and their families. These recommendations focused on (1) programs for pregnant women and for children from birth to age 6, including home visits, high-quality child care and family-friendly policies, and (2) income support programs, including an integrated child benefit program and taxation policies that adequately reflect the costs of raising children.

294. The *National Forum on Health* also proposed the establishment of an Aboriginal Health Institute that would focus on Aboriginal health issues, serve as a support network for Aboriginal health workers in communities, provide an evidence-based approach to health research, and meet the needs of Aboriginal peoples through improved health information. The Institute would also share information within and outside Aboriginal communities.

295. The federal government continues to work in partnership with Aboriginal communities to delineate the scope and substance of the Aboriginal jurisdiction over health and to assist communities in assuming responsibility for health services.

296. In 1997, the Government of Canada announced its intention to create Centres of Excellence for Children's Well-Being. The vision of the Centres of Excellence is to enhance understanding of, and responsiveness to, the physical and mental health needs of children and the critical factors for healthy child development. The Centres will be given a mandate to ensure that advanced knowledge is disseminated more broadly among families, community-based organizations, educators, health professionals, and government decision-makers, and to improve our understanding of children and what they need to develop in healthy ways.

297. The *Canadian Environmental Protection Act (CEPA)* underwent a parliamentary review in 1994-95. In 1997, Bill C-32 was tabled with a view to strengthening and modernizing CEPA for the new millennium. The Bill evaluates the potential health risks of environmental contaminants, regulates the entry into Canada of new materials that may damage health and the environment, and assesses the health risks of new substances, including those created through biotechnology. Bill C-32 is currently under consideration by Parliament.

298. Canada's signing of the 1997 *Declaration of the Environment Leaders of the Eight on Children's Environmental Health* affirmed that children's environmental health is a priority. Canada is undertaking initiatives to implement the recommendations of the Declaration.

Institutions and Mechanisms

299. The Federal/Provincial/Territorial Committee on Population Health (ACPH) identified broad population health strategies on which the provincial, territorial and federal governments could collaborate and achieve significant results. Healthy child development is one such priority area, and as such, a framework for a *National Strategy on Healthy Child Development* has been developed.

300. *The Health of Youth: A Cross-National Survey* was published in 1996 based on data from the 1993-94 *Health Behaviour in School-Aged Children (HBSC) Study*. HBSC is a collaborative cross-national research study sponsored by the World Health Organization (WHO) and made possible by support from the Government of Canada. The goal of the study is to increase understanding of the health-related attitudes and behaviours of young people and the context in which they develop. The publication of data collected during the 1997-98 school year will be released in 1999-2000.

301. A number of initiatives have been taken during the reporting period to build a stronger health system that reflects the changing needs of Canadians and provides timely access to high quality health care. First, the *Canadian Institute for Health Information (CIHI)* was established in 1994 as an arm's length body to improve the quality and availability of health information. Also, the federal government established the five-year *Health Services Research Fund* in 1996, for research on effectiveness of health services, and the three-year *Health Transition Fund* in 1997, to help provinces launch pilot projects to investigate new and better ways to provide health care to Canadians.

302. In 1997, the government put in place a new *Canada Health Information System* to better meet information needs with a view to improving the delivery of health services and assessing the performance of the health system. The government has allocated funds over a five-year period for this initiative. This allocation will serve to: (1) help CIHI (see above) build consensus on health indicators, to develop data standards, to fill key data gaps, and to build capacity to analyse data and disseminate information; (2) build a *National Health Surveillance Network* to link laboratories and public health officers across the country; (3) build the *Canadian Health Network*; and (4) improve health information for federal health programs.

303. In 1996, the intersectoral Joint Steering Committee Responsible for Development of a National Nutrition Plan for Canada released *Nutrition for Health: An Agenda for Action* in response to commitments from the 1992 International Conference on Nutrition. It identifies four strategic directions: reinforcement of healthy eating practices; support for nutritionally vulnerable populations; continued enhancement of the availability of foods to support healthy eating; and the support of nutrition research. These strategies include key actions related to the nutrition health of children.

304. The Government of Canada promotes the nutritional well-being of children through the development and broad dissemination of national nutrition guidelines, including *Canada's Food Guide to Healthy Eating* and guidelines for preconception, prenatal and infant nutrition.

305. In partnership with provincial and territorial governments, the Government of Canada is developing new programs to better support HIV/AIDS prevention and sexuality education for young people. For example, *Safer Sex Guidelines*, designed for educators and counsellors involved in prevention and health promotion activities, ensure the continued relevance and accuracy of the safer sex information that Canadians receive.

306. Public information and education initiatives on child safety issues, such as child passenger safety and playground safety, are provided by an Interdepartmental Working Group on Childhood Injury Prevention. Membership is based on federal responsibility affecting child safety such as with Health Canada, Transport Canada, Parks Canada, Statistics Canada, Agriculture Canada and Canada Mortgage and Housing.

307. An inter-agency Youth at Risk Initiative, coordinated by the Canadian Parks and Recreation Association, implements and evaluates pilot projects targeting children and youth-at-risk across Canada. In the near future, a formative evaluation will identify which strategies and processes worked, what common learning can be drawn from the pilot projects and possible models for youth that have not traditionally participated in recreation and physical activity.

308. In 1995, the Pest Management Regulatory Agency (PMRA) was created to centralize all federal government responsibilities for pesticide registration and to address issues concerning pesticide residues in food.

309. In 1995, the *Auditor General Act* was amended to create the Commissioner of the Environment and Sustainable Development, and to require each federal department to prepare and table an annual Sustainable Development Strategy to Parliament. The Commissioner of the Environment and Sustainable Development reports to Parliament on matters related to the environment and sustainable development, conducts audits and special studies, receives public petitions and complaints, and monitors the implementation of the Sustainable Development Strategies prepared by federal departments.

Government and NGO Cooperation

310. In April 1997, Health Canada established the *Population Health Fund*, replacing a number of grant and contribution programs. It provides financial support to groups that address the factors influencing health through partnership and collaboration with other sectors, with particular emphasis on health issues of vulnerable populations. In 1997-98, the fund financed over 300 national, regional and community-based projects.

311. In June 1997, the Canadian Institute on Child Health (CICH), with support from Health Canada, hosted *What on Earth?*, a symposium on environmental contaminants and child health. A year later, CICH released *Environmental Contaminants and the Implications for Child Health Supplement*, which educates public health officials and other practitioners on the health implications for children, profiles key research findings and provides a comprehensive package of information on children's environmental health.

312. In partnership with the Government of Canada, CICH publishes *The Health of Canada's Children: A CICH Profile*. The report presents a range of demographic, economic, behavioural and related statistics on the health and well-being of children and youth. The third edition of this report was released in 2000.

313. In 1995, in partnership with medical and professional associations, clinicians and voluntary organizations, Health Canada established a National Asthma Control Task Force. The Task Force was mandated to develop a *National Asthma Control Strategy* for the reduction of morbidity and mortality due to asthma in Canada and to coordinate and facilitate its implementation.

314. The Canadian Parks and Recreation Association, in partnership with Health Canada, has developed and implemented a three-year *Playground Safety Action Plan*. A key element of the plan is the playground inspector certification program, which is based on the recently revised Canadian Standards Association standards for play spaces.

315. In partnership with non-governmental organizations, the Government of Canada has developed projects relating to the health of Aboriginal children. With the Aboriginal Nurse's Association, the guide *Healthy Children - Healthy Nations* was developed for First Nations care givers who wish to focus and direct community programs toward the health needs of children from before birth to age 6. *Ikajuqtigiinni*, a resource for the prevention of fetal alcohol syndrome, was developed with the Pauktuutit Inuit Women's Association.

316. Campaign 2000 is a non-partisan coalition of 25 national partners and a Canada-wide network of 37 community partners committed to building Canadian awareness and support for the 1989 all-party House of Commons resolution to end child poverty in Canada by the year 2000. In 1996, Campaign 2000 promoted a life-stage approach to child poverty. The life stage approach involves three components: a comprehensive child benefit; a national envelope for early child development and child care; and a youth education endowment fund. Since then, Health Canada has funded a two-year project that will engage a wide range of community leaders, individuals and Campaign 2000 partners in community consultations to develop policy options for addressing child poverty.

C. Social Security and child care services and facilities - Articles 26 & 18

Child Care Services - Article 18

Measures in Force

317. In Canada, the provision of child care services is the responsibility of provincial governments. The federal government provides a range of measures to support the child care needs of working parents and all Canadian families.

318. The 1998 Federal Budget increased the Child Care Expense Deduction (CCED) from \$5,000 to \$7,000 for children under age 7, and from \$3,000 to \$4,000 for children aged 7 to 16. This increase is intended to offset the costs of child care for the

approximately 800,000 Canadians who use the CCED. In addition, a Goods and Services Tax/Harmonized Sales Tax exemption is provided for expenses incurred in the provision of care to a person with limited means of self-care.

Factors, Difficulties and Progress

319. The Government of Canada, in partnership with the provinces and territories, has taken an important step to support Canada's children with the introduction of the *National Child Benefit*, which will directly assist lower-income parents. Provincial and territorial governments will reinvest the money saved through this system into complementary benefits and services for children. For example, a number of provinces are reinvesting in child care, including Manitoba, Ontario, Prince Edward Island, Nova Scotia, New Brunswick and Newfoundland and Labrador.

320. From 1988 to 1995, the federal government supported initiatives to enhance child care services through the *Child Care Initiatives Fund* (CCIF). CCIF funded 515 projects with an emphasis on staff training and professional development as well as pilot projects which tested innovative, community-based approaches to child care.

321. The *Child Care Visions* program, created in 1995, supports research and analysis of child care programs with a goal to improve the quality of child care and increase national knowledge of the adequacy, outcomes and cost-effectiveness of child care programs.

322. The *First Nations and Inuit Child Care Initiative*, launched in January 1995, commits federal funding over three years to support the creation of 4,300 new child care spaces and the improvement of approximately 1,700 existing spaces in First Nations and Inuit communities. Funding will be provided after the initial development period to sustain these newly created child care spaces.

323. In 1996, a joint Federal/Provincial/Territorial Working Group on Status of Women and Labour examined options for improving the integration of work and family responsibilities. The Working Group's findings will contribute to ongoing policy development in this area.

Social Security - Article 26

324. In Canada, a system of federal, provincial and territorial government programs and services provide income assistance and social services to Canadians. Federal expenditures include direct income support to seniors, families, including those with children, unemployed persons, and students. Fiscal transfers and tax measures also support provincial and territorial programs and services in areas of social assistance, post-secondary education, health care, labour-market training, and programs in support of disabled persons.

Measures in Force

325. The *National Child Benefit* (NCB), which came into effect in July 1998, is a joint federal, provincial and territorial initiative to improve benefits and services to children in low

income families. The objectives of the NCB are to help prevent and reduce child poverty, to help parents of low income families participate in the workforce and to reduce overlap and duplication through closer harmonization of programs and simplified administration.

326. Under the NCB, the federal government has substantially increased the Canada Child Tax Benefit to low-income families with children. Provincial and territorial governments have in general adjusted social assistance payments for families, while ensuring at least the same overall level of income support from all governments. The provincial and territorial governments have reinvested the resulting savings into complementary programs targeted at improving work incentives, benefits and services for low income families with children. Examples of provincial and territorial reinvestment programs include child health benefits, child care investments, income support to families with children, and employment supplements.

327. Governments are committed to working with Aboriginal people to ensure that Aboriginal children, like all Canadian children, will benefit from the NCB initiative. The Department of Indian and Northern Affairs Development has been working in partnership with First Nations to develop mutually acceptable frameworks to guide the implementation and development of NCB reinvestment initiatives on reserves. The frameworks are flexible to address the different priorities and needs in First Nations communities. In the first year of the NCB, First Nations reinvested in community-based programs for low-income families living on reserves through income support, child care, child nutrition, parenting skills, family services, recreation, youth development, clothing outlets, training and employability skills.

Factors, Difficulties and Progress

328. There is no official measure of poverty in Canada. Statistics Canada produces two measures of low income: Low Income Cutoffs (LICOs) and Low Income Measures (LIMs). LICOs are based on average consumption standards and are the most widely-used measure of low income in Canada. The measures adjust income thresholds according to family size and the size of the community in which the family lives.

329. LIMs are based on one-half the median adjusted family income. The measure adjusts incomes according to the number of adults and children in the family. There is no adjustment for the size of the community in the LIMs.

330. The most widely used version of the LICOs is based on pre-tax income. The version of the LIMs based on income after income taxes is the measure closest to that used in the 1998 *United Nations Human Development Report* for international poverty comparisons.

331. In November 1989, in a unanimous resolution, the House of Commons pledged to work to eliminate child poverty by the year 2000 ("child poverty" was not defined in the resolution). The incidence of low income for Canadian children under age 18 using the pre-tax LICOs declined from 21.3 percent to 19.8 percent between 1993 and 1997.

Priorities and Goals

332. In the 1996 Speech from the Throne, the Government of Canada acknowledged that it has an important role to play in modernizing Canada's social safety net and ensuring its sustainability.

Institutions and Mechanisms

333. In 1998, Human Resources Development Canada (HRDC) created the Social Development Partnerships Program (SDPP), replacing both the National Welfare Grants Program and the Disabled Persons Participation Program. SDPP is a research and development program that provides organizational support and funding for national activities of voluntary organizations involved in child and family issues. Family Service Canada, Big Brothers and Sisters of Canada, and Boys and Girls Clubs of Canada are examples of the organizations that receive support through this program for initiatives such as research on child welfare and child poverty.

334. Established in June 1996, the Federal/Provincial/Territorial Council on Social Policy Renewal is the principal mechanism for guiding work on the social union initiative. The Council supports and coordinates the work of sectoral ministries (including social services, labour market, post-secondary education and health) in developing concrete solutions in specific priority areas for all Canadians.

335. The Government of Canada and all provinces, except Quebec, signed a Social Union Framework Agreement on February 4, 1999. The Agreement outlines new principles on how governments will work in partnership in the arena of social policy. The implementation of the Social Union Framework Agreement and the continuation of work on the National Children's Agenda are the priority areas for the Council in 1999.

336. Ministers Responsible for Social Services have played a major role with respect to collaborative federal/provincial/territorial efforts, particularly in the implementation of the National Child Benefit and initiatives with respect to persons with disabilities.

D. Standard of Living - Article 27

Measures in Force

337. The *National Housing Act* (NHA) promotes the construction of new homes, the repair and modernization of existing houses, and the improvement of housing and living conditions. The Canada Mortgage and Housing Corporation (CMHC) provides a range of authorities and tools to address the housing and related needs of Canadians including market-related housing activities, housing assistance (including social housing) and research and information transfer activities.

338. *Canada's First Report on the Convention on the Rights of the Child* identified the housing needs of low and moderate income Canadians. Between 1993 and 1997, CMHC continued to make housing affordable for lower-income Canadians through its social housing

programs. Working with the provincial and territorial governments, as well as community-based, non-profit and co-operative housing organizations and First Nations, CMHC provided financial subsidies for some 664,000 social housing units, benefitting low-income families, people with disabilities, seniors and Aboriginal groups.

339. CMHC also launched the Shelter Enhancement Initiative (SEI) to renovate and upgrade existing shelters in northern and remote regions, and to develop a limited number of new emergency and second-stage units. Between 1995 and 1997, CMHC enhanced 4,448 bed/units and developed 61 emergency beds and 22 second stage units. Additional federal funding extended the SEI project to March 31, 1998.

340. The Corporation reintroduced the Rental Residential Rehabilitation Assistance Program in 1994, incorporating new provisions for the improvement of rooming-houses, a common accommodation for those at risk of homelessness.

341. Federal government programs for the housing needs of Aboriginal peoples include the Rural and Native Housing program (RNH) and a First Nations component of the Residential Rehabilitation Assistance Program (RRAP). In April 1996, 2 new initiatives were introduced. First, the Remote Housing Initiative, which targets low-income households living in smaller remote communities, provides capital grants for home construction and requires that client households provide "sweat equity labour". This initiative will benefit an estimated 272 households. Second, the On-Reserve Remote Housing Initiative also provides funds for home construction through capital grants. Under this initiative, which will benefit an estimated 310 households, local First Nations bands are involved in all aspects of planning, delivery, construction and property management.

Factors, Difficulties and Progress

342. The Government of Canada's Program Review Process in 1994 provided CMHC with a new mandate affecting its main business areas of housing finance (mortgage insurance and guarantee), social housing, and research and international activities, including housing export support. The federal government transferred the administration of its social housing portfolio to the provinces and territories to reduce the duplication of government services. This is intended to provide a better link between housing and provincial/territorial social services and facilitate solutions for such issues as homelessness. All provinces and territories have the option to manage federal social housing.

343. The transfer of management responsibilities is an important and tangible step towards better intergovernmental cooperation and efficiency in social housing. The "one stop shopping" approach should also improve service to the public. The government also expects that these arrangements will free up funds to assist low-income households.

344. As part of deficit reductions and government spending restraints, the federal government capped social housing expenditures and stopped funding new housing, except for programs for on-reserve Aboriginal people.

345. The majority of Canadian families live in housing that meets or exceeds standards for suitability, including number of bedrooms, adequacy (plumbing facilities) and affordability. However, a significant number of people in certain socio-demographic groups need better housing. Dwellings with female lone parents and Aboriginal households have higher proportions of people in core need than other segments of the population. Since affordability is a main barrier to the acquisition of healthy housing, and the proportion of income directed at housing is higher for these specific groups, the relatively high cost has a negative impact upon other spending priorities.

346. The Government of Canada recognizes that the problem of homelessness is much broader than a lack of accommodation; rather, it requires an integrated and co-ordinated approach including long-term supportive housing environments. CMHC has facilitated the development and/or demonstration of a number of comprehensive “enabling” approaches undertaken by partnerships among community-based agencies, chiefly by documenting and communicating best practices across the country.

347. The Department of Indian and Northern Affairs (DIAND) has reallocated funds since 1996 to accelerate repairs to on-reserve water and sewer systems. In response to the Royal Commission on Canada’s Aboriginal Peoples, the federal government allocated resources in 1998-1999 in addition to capital allocations for water and sewer projects. As of March 1997, 97 percent of houses on reserves had water supply services and 92 percent had sewage disposal facilities, as compared to 75 percent and 67 percent respectively in 1986-87.

348. A new on-reserve housing policy was announced in July 1996. Federal funding for on-reserve housing was increased over 5 years, beginning in 1996-97. The total number of on-reserve housing units has increased from 64,402 in 1990-91 to 80,443 in 1996-97. Over the same period, the number of adequate units has gone from 28,209 (44 percent) to 41,885 (52 percent). In 1996-97, 2,487 housing units were completed and 4,222 were renovated.

349. While the living conditions of Aboriginal peoples has improved significantly, the Government of Canada recognizes that housing amenities are inadequate in many Aboriginal communities. Although more than 18,000 federally subsidized new houses were built for and with Aboriginal peoples between 1992 and 1997, there are problems, particularly on reserves where lack of maintenance and overcrowding contribute to a housing lifespan which is about half that of off-reserve housing. Approximately 38,000 new on-reserve dwelling units will need to be constructed between 1997 and 2007.

350. Studies on food bank use, poverty and dietary intake show that while the vast majority of Canadians are able to provide food for themselves and their families, some cannot. From 1989 to 1997, the use of food banks in Canada more than doubled. Other services provided by community groups, with limited support from provincial/territorial or municipal governments, include collective kitchens, community gardens, food buying clubs and school-based breakfast programs.

351. In 1998, 42 percent of the approximately 716,000 Canadians assisted by food banks each month were children. In 1998, in response to the 1996 World Summit commitment to reduce the number of undernourished people by half by 2015, the federal government released *Canada's Action Plan for Food Security*. The Alternative Northern Food Baskets and a template for provincial/regional nutritious food baskets were developed as part of this strategy to support nutritionally vulnerable populations. Nutritious food baskets provide useful indicators for monitoring food insecurity in Canadian communities.

Priorities and Goals

352. Sources of data to measure the incidence of child homelessness are limited, largely due to the difficulties involved in enumerating the homeless population. To better understand the situation of homeless Canadians, Canada Mortgage and Housing Corporation (CMHC) has made homelessness a research priority. A multi-year research program is underway to develop a system that all Canadian shelters could use to standardize the collection and management of information on the homeless.

Institutions and Mechanisms

353. Provincial and territorial governments play a significant role in the provision of shelter. They are responsible for the regulation of urban and rural development in most areas through planning legislation and the regulation of building and housing standards through building and health codes.

354. CMHC has finalized new social housing arrangements with seven provincial and territorial jurisdictions. The discussions are continuing with the remaining jurisdictions. The agreements ensure that federal funds remain available to low-income households and that national standards are maintained.

Government and NGO Cooperation

355. Community, non-profit, co-operative and women's organizations, along with youth groups, labour unions, and social and political advocacy groups, all play a major role in shaping policies, and identifying priorities in many areas, including housing. The Canadian Mortgage and Housing Corporation (CMHC) works with other agencies and NGOs across Canada on programs that encourage housing research, information transfer and youth participation.

356. In 1997, CMHC held a youth housing competition. A total of 143 organizations and individuals from communities across Canada submitted examples of inspiring, creative, and practical solutions to the housing needs of young Canadians, such as students, first-time home buyers, young couples, single young women and men, homeless youth, and youth with disabilities. CMHC also organized a two-day forum *Gimme Shelter: Sharing Successes in Housing for Youth* to celebrate and promote the accomplishments of the many organizations that work to provide housing choices for young people. The Forum, held in 1997, included urban

planners, environmentalists, housing industry representatives, members of housing agencies and co-operatives, students, teachers, researchers, and government representatives who shared their ideas, solutions and best practices in housing to meet the needs of young people.

357. Recognizing that children are particularly vulnerable to environmental hazards and that most of their pre-school age is spent in and around the home, CMHC works with other federal agencies and NGOs to research and provide information to the public on indoor air quality, lead, fire safety, home safety and children's play spaces. For instance, CMHC, with 3 other agencies and the Paint Manufacturers' Association, undertook an extensive public information campaign emphasizing safety concerns of renovations in homes with lead-based paint, especially in houses with young children present.

358. The National Housing Research Committee (NHRC), comprised of federal, provincial, non-governmental, industry and consumer representatives, co-ordinates research on housing with either direct or indirect benefits to children.

VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

A. Education - Article 28

Measures in Force

359. Education in Canada is a provincial and territorial responsibility. The Government of Canada promotes a coordinated national approach to education, based on excellence and equality of opportunity. It has established programs and measures that focus on developing the knowledge, skills and work experience that today's young people must have to become full participants in a changing knowledge-based economy.

360. In 1996-1997, there were 446 schools managed by First Nations in Canada, serving 57.3 percent of First Nations students on reserves, an increase in enrollment of 41 percent from 1991. Students not attending First Nations managed schools attended schools operated directly by either the Government of Canada or a provincial or territorial school system. As well, First Nations children are remaining in school longer, but have lower rates of completing secondary school than other students. The major focus of education reform initiatives under *Gathering Strength* is the improvement of retention and graduation rates for on-reserve students.

361. Young Canadians are enrolling in higher education at a record rate. Almost 1 million students - nearly one in every 3 young people - were enrolled full-time in post-secondary education, and 430,000 were enrolled on a part-time basis in 1996/97.

362. In 1997, the federal government announced a *Youth Employment Strategy* (YES) to help young Canadians find the critical first job that bridges the gap between school and work. YES will make investments to create approximately 280,000 work experiences over 3 years for unemployed young Canadians. Key program components are: Youth Internship Canada; Youth Service Canada; Student Summer Job Action; and information initiatives. The Federal Public Sector Youth Internship Program, a complementary youth initiative, will provide work

experience for approximately 38,000 young participants over 3 years. In December 1998, the Government of Canada announced that the YES, which was to end March 31, 1999, would be made a permanent initiative. This includes a First Nations and Inuit Youth Employment Strategy to support youth living on-reserve or in recognized communities to explore career options while in school and to acquire practical work experience.

363. Announced in Budget 1998, the *Canadian Opportunities Strategy* focuses on seven key areas related to education: providing financial assistance for students; providing support for advanced research; helping individuals manage their student debt; encouraging families to save for education; helping Canadians upgrade their skills; supporting youth employment; and connecting Canadians to information and knowledge. This strategy supports post-secondary students and their families through a number of initiatives. For example, the Canada Student Loans Program helps individuals of limited means pursue their education and helps students after graduation with tax relief for interest payments on their student loans. The strategy also provides needy students with children or other dependents with grants of up to \$3,120 a year; provides education credits and child care expense deductions for part-time students; and supports the efforts of working Canadians to upgrade their skills by allowing tax-free withdrawals from Registered Retirement Savings Plans (RRSP) to encourage lifelong learning. Through the Canada Education Saving Grant program, the strategy helps families save for their childrens education by supplementing new contributions made to Registered Education Savings plans. Another component of the *Canadian Opportunities Strategy*, the Canadian Millennium Scholarships Program, is described in Priorities and Goals below.

International Cooperation

364. In education, CIDA supports initiatives to provide universal access to education for girls and boys, improve the quality of primary education, increase literacy and numeracy, build basic skills in health, nutrition, and environmentally friendly agricultural production through formal and non-formal education programs, promote human rights and peace building through education curricula.

365. Since 1994, Canada has supported the *Girl Child Education in Africa Initiative* (See "General Measures of Implementation"). Phase I, developed and implemented in collaboration with UNICEF, supported projects in 15 countries aimed at improving access and retention of girls in basic education programs. Results of Phase I have been impressive: 47,000 girls have been directly affected; several hundred teachers were trained in child-centred approaches, children's rights, and gender perspectives; and gender-sensitive training and learning materials were developed. Phase II, which began in 1996, builds on the lessons from Phase I in the effort to extend and institutionalize its gains. It broadens the range of participation to include over 75 percent Canadian partners in addition to UNICEF's role which is now 25 percent. Specific projects include a project in Malawi in 1996-97 to increase the capacity of the Ministry of Education and selected communities to deliver primary education with gender equity in progression, enrollment, retention and completion; a project in Zambia in 1996-99 to increase capacity at all levels - government, schools, communities and NGOs - to improve rates of

enrollment, retention, completion and achievement for girls; an initiative in Eritrea in 1995-97 to establish a pilot project of community schools in the region of Gash-Barka with emphasis on increased access and retention of girls.

366. In Asia, CIDA is supporting the Bangladesh Rural Advancement Committee's (BRAC) *Non-formal Primary Education Program*. CIDA has been involved in phases I and II of the program. The BRAC program aims to strengthen national education systems and improve access to cost-effective primary education to poor children, especially girls, unserved by the formal school system. The program began in 1985 and as of 1997, 34,000 schools are operating annually, with an enrollment of 1.2 million children. Overall, a 90 percent completion rate has been maintained for school children enrolled in the three-year NFPE program. CIDA expects to more than double its contribution to Phase III of the program. Seven major donors collaborate in this project and do so in ways that are models for other projects.

367. In the Americas, one of CIDA's larger education projects has been the *Eastern Caribbean Educational Reform Project*, covering the period from 1996 to 2003. This project aims to strengthen governments' capacity to plan and implement educational reform to improve educational quality and access for children.

368. CIDA recognizes the close links between basic education and health, nutrition, and population, as well as the importance of gaining leverage through multi-sectoral approaches to programming in basic human needs. An innovative approach is being undertaken by the Unitarian Services Committee in Bangladesh with CIDA funding. Through a process of "social immunization", the *Adolescent Development Program* improves the future social and economic status of adolescent girls by providing them with literacy, numeracy, health education and income-earning skills as well as ensuring that they properly register their marriages. Boys are also included in activities so that they learn that empowered girls and women are a benefit and not a threat to their communities.

369. Through Canadian Partnership Branch, CIDA supports a wide range of NGOs, associations and universities in providing projects to support the basic education of street and abandoned children in all regions, in countries as diverse as India, Lesotho, Haiti, Gambia, and Nicaragua. The major partners CIDA works with through Partnership Branch include Save the Children Canada, UNICEF-Canada, Street Kids International, World Vision, Foster Parents Plan, Aga Khan Foundation Canada, and Pueblito. Although activities tend to be small scale, they are typically responsive and often very innovative, and they are most sustainable where attempts are made to build linkages into the regular education system.

Factors, Difficulties and Progress

370. Effective in 1998, individuals repaying federal or provincial student loans can claim a 17 percent federal tax credit on the interest portion of the amount paid in the current year.

371. The 1996 and 1997 Federal Budgets encouraged families to build Registered Education Savings Plans (RESPs) for their children's education by raising limits for both the annual per

child and lifetime contributions. In addition, parents and other contributors can now transfer an RESP into their Registered Retirement Savings Plan should the child choose not to pursue post-secondary education.

372. Beginning January 1998, the federal government Canada Education Savings Grant will top up contributions made to an RESP by 20 percent up to a yearly maximum of \$400 per child, until the child reaches age 18. This will mean that, for example, a family saving \$25 every two weeks in an RESP over a 15-year period will accumulate an education fund of \$18,790 (based on an annual interest rate of 5 percent). Without the grant, the RESP would be worth about \$3,100 less.

373. In April 1996, the Canada Health and Social Transfer (CHST) replaced the previous transfer funding mechanism that provided the provinces and territories with fixed allocations for health, education and social services. Under the CHST, the provinces and territories are able to apply funds to areas according to their own discretion.

Priorities and Goals

374. In September 1997, the Government of Canada announced the Canadian Millennium Scholarships Program, a central component of the *Canadian Opportunities Strategy*. Beginning in the year 2000 and continuing for 10 years, Canada Millennium Scholarships will be awarded annually to more than 100,000 students through an endowment from the federal government. Canadians of all ages, studying in publicly-funded post-secondary institutions, will be eligible. Scholarships will be awarded based on financial need and demonstrated merit. These scholarships will average \$2,000 and will be awarded beginning in January 2000.

375. The federal government has modified the Canada Student Loans Program (CSLP) to accommodate students with family responsibilities. Effective in 1998-99, new grants will be available to students with children or other dependents. Students will be eligible to receive up to \$40 per week (for those with 1 or 2 dependents) or \$60 per week (for those with 3 or more dependents).

Government and NGO Cooperation

376. Status of Women Canada provides financial and technical assistance to organizations working to advance gender equality at the community, regional and national level. Support has been provided for projects aimed at improving gender equality in vocational training and guidance, including activities to increase interest in science, technology and non-traditional careers among girls.

377. The 1998 Federal Budget, which targeted youth employment, more than doubled funding for youth at risk, principally those who have not completed high school. Through partnerships with employers' organizations and non-profit groups, funds are available for on-the-job training, career counseling, mentoring and literacy upgrading.

B. Aims of Education - Article 29

Measures in Force

378. The Government of Canada is committed to helping young Canadians acquire the information technology skills they need to succeed in the knowledge-based economy. *SchoolNet*, an Industry Canada program, promotes the effective use of information technology by helping all Canadian public schools and public libraries connect to the Internet. On March 30, 1999, Canada became the first nation in the world to connect its schools and libraries, thanks to the *SchoolNet* partnership. Built on partnerships with provincial and territorial governments, communities, NGOs, information technology companies and other private sector partners, *SchoolNet* aims to extend connectivity from the schools to the classroom by March 31, 2001. Over 1,000 learning services and resources can be accessed on the Web site at <http://www.schoolnet.ca>.

379. The Digital Collections Program helps young Canadians develop information technology and business skills as they transfer significant Canadian content collections into digital form. The program awards contracts to Canadian firms, associations, institutions, museums, libraries, archives, educational institutions and other organizations to hire teams of people 15 to 30 years of age to digitize text, images, audio and video material and incorporate it in Web sites for display on *SchoolNet*. As of 1998, the Program has hired over 1,200 young Canadians on some 230 contracts in all provinces and territories, including the most remote parts of the country.

380. The Computers for Schools program channels surplus computer equipment from businesses, government and individuals into classrooms and public libraries across Canada. The program provides youth with access to computers in a learning environment and provides hands-on computer repair training opportunities at refurbishment centres located across the country. Computers for Schools has delivered over 51,000 computers to Canadian schools since the beginning of the program in 1993.

381. The Atlantic Canada Opportunities Agency (ACOA) supports an entrepreneurship development strategy which, in part, encourages the development of entrepreneurial talent among young people in Atlantic Canada. In 1998, approximately 60,000 students from kindergarten to grade 12 were enrolled in enterprise or entrepreneurship courses as a result of efforts and investments by ACOA and its provincial partners. In addition, approximately 500 students per year start businesses under ACOA-funded programs. Teacher training and youth venture activities, such as a seed capital program, are other components of the strategy.

382. The Michael Smith Awards for Science Promotion recognize Canadian individuals, organizations and companies that have inspired a passion in youth for science, technology, engineering and mathematics outside the formal school system. These non-monetary awards raise the profile of recipients and encourage others to get involved. The awards assist in the development of skills demanded in the knowledge-based economy by encouraging and rewarding leaders in science promotion.

383. The Prime Minister's Awards honour outstanding elementary and secondary school teachers from across Canada. Recipients are selected based on their ability to achieve outstanding results with students, to inspire them to learn and continue learning, and to equip them with the knowledge, attitudes, skills and abilities they will need to succeed in our rapidly changing society and knowledge-based economy. The program also shares excellent teaching practices with educators across Canada and around the world via the Internet.

384. In 1995, the Canadian Space Agency (CSA) launched the Young Space Scientists Program, an educational program that allows students to take on the role of "space scientists" by providing them with the opportunity to design experiments and compete for the chance to have them performed in orbit by a Canadian astronaut. Classroom resource materials are then developed about these experiments and their execution during shuttle missions. To stimulate interest in this sector of science and to promote the Young Space Scientists Program, representatives from the CSA visited 90 elementary and secondary schools, reaching about 30,000 students.

385. Science Culture Canada, which had its final year in 1998-99, provided resources to non-profit groups that stimulate youth interest in science and technology, thereby developing skills and promoting related careers.

386. The Canadian International Development Agency (CIDA) actively supports programs to increase African girls' access to basic education, and works with UNICEF as well as Canadian NGO partners on projects in this field. In 1996-97, CIDA participated in projects in Jordan, Egypt, Senegal, Burkina Faso, Zambia, Zimbabwe and Malawi, as well as two Pan-African projects.

387. The Department of Canadian Heritage's Canadian Studies Program supports the development of a variety of learning materials in content areas considered to be underdeveloped or neglected in the field of Canadian Studies. The program also published a *Directory of Funding Sources for Canadian Studies* and two series of booklets entitled *Canadian Studies Resource Guides* and *About Canada*.

388. The Youth Participation Program of the Department of Canadian Heritage provides learning opportunities for youth to increase their knowledge, appreciation and respect for the diversity of Canadian society and its institutions. Under the Open House Canada Program, it provides financial support to a number of national non-profit organizations to cover part of the travel costs of participants in reciprocal group exchanges and national fora.

389. The Commonwealth Youth Program (CYP) promotes the overall well-being and development of young people in the Commonwealth. The CYP works towards a society where youth are empowered to develop their potential, creativity and skills and to participate fully at every level of decision-making and development.

390. Recognizing the importance of developing respect for the natural environment, Environment Canada provides information materials aimed at increasing environmental literacy

in primary and secondary schools. *Rescue Mission Planet Earth: Indicators for Action* is an information resource that gives students the opportunity to assess the sustainability of their community and to develop and implement Agenda 21 action plans. Through their work, the students can see how social, economic and environmental issues link together. In addition, the department's contribution to the National Youth Science Fair recognizes youth achievements in the area of environmental science.

391. Environment Canada also recognizes young people aged 14-25 for their environmental achievements through the Polaris Award. The Award, presented bi-annually, celebrates youth's respect for their natural environment through 5 categories: science and technology, creative arts and communication, environmental entrepreneurship, community service and public policy.

392. Through various communications activities, its Green Lane Web site and other publications, Environment Canada promotes youth awareness of environmental issues. Through the Millennium Eco-Communities Web site, the department creates opportunities for Canadian youth to learn, share and take action to protect and enhance their natural environment.

Institutions and Mechanisms

393. The *1995 National Graduates Survey* by Statistics Canada has provided valuable insights on the links between education experience and outcomes, youth program characteristics, student finances and loans, and other information on youth. Federal and provincial governments and agencies use this data to develop policies and programs to improve access to educational opportunities, experience, training, and the labour market. Business and other private sector organizations also use the survey data to measure their long-term needs against emerging trends in the training and education of youth.

394. The Natural Sciences and Engineering Research Council of Canada (NSERC) supports basic university research through research grants and research projects in partnerships with industry. NSERC supports advanced training of highly-qualified people in both areas and its terms of reference allow it to support research to improve understanding of child-related issues. During 1996-97, NSERC funded 17 projects directly related to children.

395. The Social Sciences and Humanities Research Council of Canada (SSHRC) supports research and training that improves understanding of child development and also helps design more effective policies and services for children. SSHRC studies have covered the disciplines of education, health, psychology and social work and have addressed such issues as the socialization of young children in family and school, parental beliefs and child rearing outcomes, teaching and learning processes, the school-to-work transition, youth crime and violence, and impact studies on policies and services.

396. The Department of Canadian Heritage works with provinces and territories to help minority language school boards offer comparable quality education to that of the majority, in the spirit of section 23 of the *Canadian Charter of Rights and Freedoms*. The department also

works to enhance the development of French-language post-secondary institutions through the use of new technologies. Moreover, it continues to offer young people the opportunity to experience linguistic duality through language exchange programs and the Young Canada Works in Both Official Languages Program, which have nearly 10,000 participants every year.

397. The Department of Canadian Heritage also co-ordinates the implementation of sections 41 and 42 of the *Official Languages Act* to strengthen the contribution of federal institutions to the development of official-language minority communities in key sectors such as information technology, culture, economic development and human resources development.

398. Children are a primary audience of Canada's national museums, which have developed specialized exhibitions, educational programs and activities to assist children in understanding and learning about their heritage.

Government and NGO Cooperation

399. Voluntary organizations play a crucial role in the social and economic well-being of many Canadians, including children and youth. VolNet, a joint initiative of federal, provincial, territorial governments and private sector interests, reinforces the capacity of voluntary organizations by providing them with access to computer equipment, the Internet, new information technologies, network support and training.

400. In 1995, the Canadian Space Agency, in partnership with non-profit and private sector organizations, launched the Canadian Space Resource Centres program in 5 Canadian cities. The Centres provide curriculum enriching-resource materials using space themes and also provide teacher training on their use. This program provides important links between the government, education and business communities.

C. Leisure, recreation and cultural activities - Article 31

Measures in Force

401. Section 3 of the *Broadcasting Act* established Canada's broadcasting policy. The Act, which the Canadian Radio-Television and Telecommunications Commission (CRTC) administers, expressly requires that the Canadian broadcasting system (which includes public and private broadcasters) serve the needs and interests of Canadian children by providing "programming for children of all ages, including educational programs".

402. Both the private sector and the Canadian government provide financial assistance for Canadian children's programming. In 1994, the Canadian cable industry, with CRTC support, established the Cable Production Fund to fund the production of high-quality Canadian programs in under-represented categories, including children's programs (see Public Notice CRTC 1994-10, "the Production Fund"). In 1996, the government integrated the Cable Production Fund with the broadcast production fund of Telefilm Canada (a federal

cultural agency) to create the Canada Television and Cable Production Fund (now called the Canadian Television Fund). This annual fund helps finance quality Canadian television programs in the categories of drama, variety, children's shows and documentaries. In 1996-97, this fund contributed to the production of 724 hours of children's programming.

Factors, difficulties and progress

403. Participation in physical activity has far-reaching benefits for well-being. A 1995 survey revealed that approximately one-third of Canadian children and youth were physically active enough to meet the energy-expenditure standard for optimal health and development, while another one-fifth came close to meeting the standard and one-fourth met the minimum energy standard.

404. Environmental degradation can also seriously affect the ways in which children spend their leisure time. Loss of green space can impede children from experiencing nature and their physical environment, poor air and water quality can prevent children from playing outside or swimming in lakes and rivers without risks to their health.

Priorities and Goals

405. In 1997, the federal and provincial/territorial ministers responsible for fitness, recreation and sport developed a framework strategy for reducing the number of inactive Canadians by 10 percent by the year 2003. The strategy places emphasis on youth at risk, especially Aboriginal youth and girls, and on the needs of children and youth living in poverty.

406. The Canada Council for the Arts, the federal government's primary agency for supporting the arts, has determined that First Nations peoples and culturally diverse communities merit additional investment. The Council is currently developing plans to meet these needs.

407. The Canada Council operates no programs specifically for children. However, young audiences have been identified as a priority area for attention and additional funds. Proposed activities include tours of theatre, dance and music productions for children, books, magazines and exhibitions.

Institutions and Mechanisms

408. Health Canada has responsibility for federal activities relating to active living. The work is based on partnerships that are multi-sectoral, multi-level, and multi-disciplinary. Emphasis is given to strategic leadership, knowledge development and information dissemination, building partnerships and alliances, promotion and encouragement, and life stages.

409. The Department of Canadian Heritage supports centres across Canada that deliver cultural and social services to urban Aboriginal peoples and supports Aboriginal and provincial/territorial organizations to develop approaches on issues that affect the well-being of communities. The department also contributes to Aboriginal broadcasters with the production and broadcasting of programming in 17 Aboriginal languages.

Governments and Non-government Organizations

410. Health Canada and the Canadian Association for Health, Physical Education, Recreation and Dance (CAHPERD) jointly support the Quality Daily Physical Education Program. This program provides instruction for daily quality physical activity through physical education and school sports targeting children and youth in elementary and secondary schools. Gender equity is part of CAHPERD's mandate.

411. The Canadian Association for the Advancement of Women in Sport (CAAWS) is a national not-for-profit organization founded in 1981. CAAWS works to achieve gender equity in the sport community. Health Canada has funded CAAWS to develop a youth-at-risk strategy with a focus on girls.

412. National organizations involved with active living are currently working together to create a formal and structured coalition for active living in Canada. The purpose of the coalition - whose membership will be multi-sectoral, multi-level, and multi-disciplinary - is to share planning, information and public promotion about active living initiatives in Canada.

413. The YWCA is developing and pilot testing an "organizational change" model regarding equitable access to physical activity programs for girls (primarily ages 12 to 16). Four pilot projects will be undertaken in each of four sites across Canada. Resource material will be created from the pilot projects and distributed to 42 YWCA's and YM-YWCA's in Canada.

414. The Department of Canadian Heritage, through the Young Canada Works Program, in partnership with non-governmental organizations and the private sector will contribute to the federal government's Youth Employment Strategy and provide over 2,500 young Canadians with the opportunity to develop useful skills and experience while learning more about Canada, its culture and their fellow Canadians.

415. The Department of Canadian Heritage builds partnerships with NGOs and community groups, including child and youth organizations, around activities and programs such as Canada Day, Celebrate Canada, Citizenship and Heritage Week, National Flag of Canada Day, National Volunteer Week, National Aboriginal Day and other special events that reinforce a sense of common purpose, pride and Canadian unity.

VIII. SPECIAL PROTECTION MEASURES

A. Children in Situations of Emergency

1. Refugee children - Article 22

416. The federal government is primarily responsible for immigration and refugees under s. 91 *Constitution Act 1867*. However, under an agreement between the Government of Canada and the Government of Quebec, the latter now administers some immigration matters. Federally, the *Immigration Act of Canada* sets forth the criteria and procedures under which an individual may receive either landed immigrant (i.e. permanent resident) status or refugee status in Canada.

417. In devising its refugee determination system, Canada draws upon the *Canadian Charter of Rights and Freedoms*, which contains many of the same principles as those in the *Universal Declaration of Human Rights* and the *International Covenant on Civil and Political Rights*. Canada implements the relevant parts of the Declaration and the Covenant using the standards and procedures of the *Immigration Act* and the general legal system of Canada.

418. Canada's refugee determination system also takes into account Canada's international obligations as a signatory to the *United Nations Convention Relating to the Status of Refugees*. According to the United Nations High Commissioner for Refugees (UNHCR), in March 1998, "... the Canadian system, with its resources, expertise and humanitarian focus, is recognized as a model to be emulated".

Resettlement from Abroad

419. In keeping with its humanitarian tradition, Canada continues to provide resettlement opportunities in Canada for refugees and people in refugee-like situations outside their country and for whom there is no other durable solution. Abroad, Canada works with the UNHCR, receives applications directly from refugees seeking resettlement, and processes the applications of refugees that groups in Canada have sponsored for entry into this country. In addition, two programs exist for extreme at-risk refugees:

- *Women at Risk Program (AWR)*: The Women at Risk Program (AWR) was introduced by the Government of Canada in 1988 to facilitate the settlement, in Canada, of women refugees and their children who are in critical situations and who lack the resettlement potential that the system ordinarily requires of refugees chosen abroad. The factors that may cause these women to fall short of the normal requirements include: poor education; a lack of employment or linguistic skills and a burden of responsibility for young children. Under the guidelines for the program, AWR applicants must lack the normal protection of a family unit and be in situations either of immediate peril or long-term difficulty and danger. They must also be in a situation in which local authorities (in the country of origin or in a third country) cannot ensure their safety. By the end of 1997, the federal government had resettled 1,050 women in Canada under the auspices of AWR.
- *Joint Assistance Sponsorship Program (JAS)*: This program provides an extra level of assistance for refugees who would otherwise not qualify for resettlement in Canada, either as government-assisted or privately-sponsored refugees. This category includes women-at-risk and other refugees who may have emotional problems related to trauma or torture, or who are under the threat of physical violence, either in the country of origin or the country of asylum. The program also covers people with poor resettlement potential due to a lack of education or skills; heavy family responsibilities; or mental or physical disability. Under JAS, the government provides income support for a minimum of 12 months up to a maximum of 24 months. A private sponsoring group provides emotional support and whatever extra settlement assistance may be required during that time.

In-Canada Refugee Claims

420. Any person, including a child, who is in Canada and who claims to be a Convention refugee may seek a determination of the claim by notifying an immigration officer. The claimant may request this determination either on arrival at the port of entry or later. If a claim is determined by an immigration officer to be eligible for hearing, it is referred to the Convention Refugee Determination Division (CRDD) of the Immigration and Refugee Board (IRB), an independent, specialized tribunal, for hearing. In 1997-98, Canada received 5,772 claims from children seeking asylum. The 1996 *Guidelines on Child Refugee Claimants* distinguish between children accompanied by an adult relative and those who are unaccompanied. In the case of unaccompanied children, the system calls for automatic notification of provincial authorities responsible for child protection. It should be noted that a claim may be ineligible to be heard if the claimant has a criminal conviction or poses a danger to Canadian society.

421. Once immigration authorities have referred a claim to the CRDD, claimants have the right to apply for an employment authorization, entitling them to work in Canada, obtain social assistance and, in the case of children, generally have access to education in the publicly-run school systems. All claimants also have access to federally-funded health and emergency dental care coverage.

422. Claimants have a right to representation by counsel of their choice, to present evidence, to cross-examine witnesses, and to make representations. Government-funded legal aid is often available to assist claimants without money to obtain legal counsel. The government also provides interpreters free-of-charge to claimants who need them.

423. In 1996, the Chairperson of the Immigration and Refugee Board issued procedural and evidentiary Guidelines for the handling of child refugee cases.

424. The CRDD deals with cases of unaccompanied children seeking asylum on a priority basis. The process calls for a pre-conference hearing at which the panel affirms the designation of a representative for the child. On average, claims by unaccompanied children account for less than 5 percent of all refugee claims received in Canada.

425. Unsuccessful refugee claimants who feel that they would face an objectively identifiable risk to life, extreme sanctions or inhumane treatment if they return to their country of origin may apply under the Post Determination Refugee Claimant in Canada Class (PRDCC). A specialized Post-Claim Determination Officer will then consider any submission the individual might make, and other relevant material (such as documentary evidence of country conditions).

Humanitarian and Compassionate (H&C) Applications

426. It is a cornerstone of the *Immigration Act* that prior to their arrival in Canada, persons who wish to live permanently in Canada must submit an application outside Canada, qualify for and obtain an immigrant visa. Immigration legislation does provide for persons within Canada

to submit an application for permanent residence on the basis of humanitarian and compassionate grounds. Applications made on an H&C basis request an exemption from the requirement to obtain an immigrant visa before coming to Canada.

427. In March 1999, the Minister of Citizenship and Immigration released new guidelines entitled *Immigrant Applications in Canada made on Humanitarian and Compassionate (H&C) Grounds*, replacing previously issued guidelines. This document provides guidance to immigration officers who evaluate the H&C applications. Generally, humanitarian and compassionate grounds exist when unusual and undeserved or disproportionate hardship would be caused to the person seeking consideration if he/she had to leave Canada. Examples of the non-exhaustive “general case types” identified are as follows:

- spouses of Canadian citizens or permanent residents;
- common law and same sex partners;
- dependent children of Canadian citizens or permanent residents;
- parents & grandparents of Canadian citizens or permanent residents;
- separation of parents & dependent children;
- de facto family members;
- prolonged inability to leave Canada has led to establishment;
- personalized risk;
- refugees who apply for landing too late;
- family violence; and
- former Canadian citizens.

428. Within the guidelines, there are explicit references to international human rights standards such as the *International Covenant on Civil and Political Rights*, the *American Declaration on the Rights and Duties of Man*, the *Convention on the Rights of the Child* and the *Convention Against Torture*. Immigration officers across Canada are being trained in relation to these guidelines and the applicable international standards.

429. In the years prior to the adoption of these new guidelines, the acceptance rate of individuals making H&C applications was just over 80%.

430. In July 1999, the Supreme Court of Canada affirmed the importance of considering family-related interests in H&C applications. In *Baker v. Canada (Minister of Citizenship and Immigration)* [1999] 2 S.C.R. 817, the Court considered the parameters of discretionary decision-making, and determined what would be reasonable. In coming to this determination, the Court looked to:

- the wording of the particular legislative provisions;
- the objectives of the *Immigration Act*, particularly the objective related to family reunification;
- international law standards, such as the *Convention on the Rights of the Child* [notably because the values set out in international human rights instruments ratified by Canada are themselves a reflection of Canadian values]; and
- the guidelines for decision-makers in place at that time.

The Court noted that:

“Immigration officers are expected to make the decision that a reasonable person would make, with special consideration of humanitarian values such as keeping connections between family members and avoiding hardship by sending people to places where they no longer have connections. The guidelines show what the Minister considers a humanitarian and compassionate decision [...]. They emphasize that the decision-maker should be alert to possible humanitarian grounds, should consider the hardship that a negative decision would impose upon the claimant or close family members, and should consider as an important factor the connections between family members.” [para. 72]

In applying the reasonableness standard to this particular set of reasons, the Court reached this conclusion:

“The above factors indicate that emphasis on the rights, interests and needs of children and special attention to childhood are important values that should be considered in reasonably interpreting the ‘humanitarian’ and ‘compassionate’ considerations that guide the exercise of the discretion. I conclude that because the reasons for this decision do not indicate that it was made in a manner which was alive, attentive, or sensitive to the interests of Ms. Baker’s children, and did not consider them as an important factor in making the decision, it was an unreasonable exercise of the power conferred by the legislation, and must, therefore, be overturned. In addition, the reasons for decision failed to give sufficient weight or consideration to the hardship that a return to Jamaica might cause Ms. Baker, given the fact that she had been in Canada for 12 years, was ill and might not be able to obtain treatment in Jamaica, and would necessarily be separated from at least some of her children.” [para. 73]

431. For an H&C decision where children are implicated, the Court held that “attentiveness and sensitivity to the importance of the rights of children, to their best interests, and to the hardship that may be caused to them by a negative decision is essential for an H&C decision to be made in a reasonable manner”. [para. 74].

In overturning the immigration officer’s decision, the Court concluded:

“The principles discussed above indicate that, for the exercise of the discretion to fall within the standard of reasonableness, the decision-maker should consider children’s best interests as an important factor, give them substantial weight, and be alert, alive and sensitive to them. That is not to say that children’s best interests must always outweigh other considerations, or that there will not be other reasons for denying an H&C claim even when children’s interests are given this consideration. However, where the interests of children are minimized, in a manner inconsistent with Canada’s humanitarian and compassionate tradition and the Minister’s guidelines, the decision will be unreasonable.” [para. 75]

432. In March 1999, the Minister of Citizenship and Immigration issued a new set of guidelines for officers making decisions in relation to applications to remain in Canada made on humanitarian and compassionate grounds. Applicants are individuals who wish to be exempted from the statutory requirement of applying for and being granted an immigrant visa prior to their arrival in Canada.

433. An assessment of risk to a person who may face mistreatment abroad may also be carried out as part of this review. Children and adults may obtain this review on completion of an application and payment of a fee of \$500 in the case of an adult or \$100 in the case of a child under the age of 19.

434. Individuals may also seek judicial review of any decision or order under the immigration legislation before the Federal Court of Canada. Although the Court must grant leave (i.e. permission) for the judicial review, the threshold for obtaining leave is relatively low. In the ensuing review, the Court determines if the request for review raises a serious question and whether there is an arguable case.

435. Some noteworthy cases of this kind have come before the Canadian judiciary. In *Baker v. Government of Canada* (discussed above), 2 issues were raised: the role of the *Convention on the Rights of the Child* in domestic litigation and the deportation of a parent, resulting in the separation of family. The Supreme Court of Canada held that the ratification by Canada of the *Convention on the Rights of the Child* and the recognition of the importance of children’s rights and the best interests of children in other international instruments ratified by Canada are indicators of the importance of considering the interests of children when making a compassionate and humanitarian decision under the *Immigration Act*. In the present case, the Court held that a well-informed member of the community would not perceive the recommendation of the immigration officer as being free from a reasonable apprehension of bias. Principles of fundamental justice therefore were violated in this particular case.

436. Any person, including an unaccompanied minor, whom the Refugee Division of CRDD determines to be a Convention refugee may apply for landing (permission to establish residence in Canada). The individual may also include in their application for landing any dependents, provided the applicant and any dependent has satisfactory documentation related to identification and has not committed a serious crime. While immigration legislation does not specifically provide for the reunification of the child with his or her immediate family from overseas, family reunification in Canada is possible if a private group sponsors the child's parents. In recent years, this approach has facilitated family reunification for several Vietnamese minors.

Reunification of Family

437. In its Concluding Observations on *Canada's First Report*, the Committee expressed concern about delays in reunifying families in situations where one or more members of a family have acquired refugee status in Canada. The Government of Canada notes the Committee's concern.

438. The Committee may wish to note the progressive amendments to the *Immigration Act* in 1993 (Bill C-86) which resulted in significant improvements in the processing of applications from Convention refugees for permanent residence in Canada. Previous to these changes a Convention refugee had to obtain permanent resident status before sponsoring dependent family members. With these amendments, Convention refugees may now apply simultaneously for permanent residence for themselves and their dependent spouses and children. Furthermore, they may do so whether the dependents are living in Canada or abroad.

439. A Convention refugee in Canada cannot obtain permanent resident status until all of the dependents included in his/her application have been located and have met the relevant statutory, including security, requirements. Failure to locate dependents will delay the granting of permanent residence status. When this happens, the Convention refugee applying for landing on behalf of him/herself and dependents has 2 choices. One is to delay the application pending the location of all dependents for whom the applicant is seeking landed status. The other is to remove the missing dependent(s) from the application. If the applicant chooses the latter option, the government notifies him or her in writing that there is the possibility of permanent separation, although the applicant may sponsor family members to come to Canada later. Dependents who are subsequently located may be added to an application within a prescribed period of time.

440. Claimants in Canada who have been found to be refugees are eligible, together with their dependents, for permanent residence in Canada regardless of their medical condition. The regulations do not require dependents to meet the definition of a Convention refugee.

441. Although Canada places a high priority on the reunification of refugee families, it urges families not to put children at risk by sending them forward, either alone or in the company of "couriers", in an effort to gain their admission to Canada.

Undocumented Convention Refugees

442. According to Canadian immigration legislation, Convention refugees must provide a satisfactory identity document to obtain permanent residence. In recent years, it has become evident that some Convention refugees are unable to meet this requirement as a result of sustained political turmoil in their country of origin and/or the lack of a central authority that could issue identity documents. Once a Convention refugee becomes a permanent resident, he/she may apply to sponsor any remaining dependents as members of the family class.

443. On January 31, 1997, the federal government introduced a new classification: the Undocumented Convention Refugee Class in Canada (UCRCC). This permits citizens of designated countries (at the time of the writing of the report, Somalia and Afghanistan) to apply for permanent residence without fulfilling the requirement to provide an identity document. UCRCC applicants can apply for permanent residence five years after the acceptance of their refugee claim. Dependents in Canada obtain permanent residence at the same time as the principal applicant.

444. Family reunification for dependents outside of Canada will be delayed during the five-year waiting period. After the refugee has obtained permanent residence, he/she may sponsor his/her spouse and dependent children under 19 years of age residing abroad. In addition, children of undocumented refugees who reach 19 years of age during the five-year waiting period may benefit from exceptional processing on humanitarian and compassionate grounds, provided they are still unmarried and were listed on their parent's initial application for permanent residence. Under ordinary circumstances, children 19 years of age and over must be financially supported by their parents and in full-time study or disabled to be sponsored as dependent sons or daughters.

Removals

445. Canada is cognizant of the need to balance the different and important interests at stake: Canada's interests in protecting society and regulating immigration are to be carefully weighed in relation to the interests of the individual facing removal and the impact of this removal on his/her family members.

446. When a permanent resident has been reported as being in Canada illegally under the *Immigration Act*, immigration officers usually interview the individual to determine all the circumstances of his/her case, and provide a recommendation to a senior manager as to whether the individual should be directed to inquiry, which could lead to deportation. Under the guidelines provided to officers, these considerations include family considerations. At the inquiry, there is no consideration of humanitarian or compassionate factors such as family interests as the matter relates only to the individual concerned. The permanent resident's rights to appeal a deportation order will vary depending on the seriousness of the criminal behaviour. At the Appeal Division of the Immigration and Refugee Board, appeal rights have been determined by the UN Human Rights Committee to be an adequate method for balancing legitimate State interest vs. individual's interests; in the "danger to the public" process,

individuals are provided with the opportunity to make written submissions to the decision-maker with respect to humanitarian and compassionate considerations such as family ties; and in the security certificate process, family ties may be considered through a humanitarian and compassionate application.

447. With respect to non-permanent residents, usually those who have had no legal status in Canada, or who had temporary status at one time (visitor, for example), family interests can be considered through a humanitarian and compassionate application or an application for a Minister's permit.

Factors, Difficulties and Progress

Delays in the Refugee Determination System

448. Canada faces the challenge of balancing fairness with effectiveness by protecting those who need protection, while dealing efficiently with those who apply for refugee status for reasons not related to protection. While the system for determining refugee status is widely respected as a result, it can involve delays in reaching final disposition of cases.

449. The resulting delays in the determination of a claim can harm those in need of protection and undermine the integrity of the system. Children, in particular, suffer because of the insecurity this delay brings into their lives. The delays often interrupt schooling for weeks and children find it difficult to establish themselves.

450. In January 1999, the Minister of Citizenship and Immigration announced a number of future directions for the immigration and refugee programs. These announcements include proposals to consolidate and streamline the refugee determination process. The government hopes that implementation of these proposals will speed up the process so that refugee claimants, including children, can get on with their lives as quickly as possible. Another proposal would reduce the waiting period for the Undocumented Convention Refugee Class in Canada from 5 years to 3. This would hasten both stability and family reunification for those who are unable to obtain documentation due to conditions in their home countries.

451. The Urgent Protection Program (UPP) for refugees requiring resettlement on an urgent basis for reasons related to immediate threat to life, liberty or personal danger was introduced by Citizenship and Immigration Canada (CIC) in 1999. While all refugees in immediate need for protection are eligible under the UPP, a pilot project will be implemented in 1999 that will focus on Women at Risk (AWR), with the objective, where possible, of assessing cases within 48-72 hours.

Reunification of family - International Context

452. The Canadian International Development Agency (CIDA) has supported the work of family reunification in developing countries. For example, CIDA's Rwanda program has been supporting efforts to reunify children with their families since 1995.

453. CIDA supports family reunification through several international agencies. These include the United Nations High Commissioner for Refugees (UNHCR) and Canadian non-governmental organizations such as *Centre canadien d'études et de coopération internationale* (CECI).

2. Children in armed conflict - Article 38, including physical and psychological recovery and social reintegration

Paragraph 1: Respect for international humanitarian laws

454. In accordance with the provisions of the *1949 Geneva Convention* and the *1977 Additional Protocol*, Canada continues to educate members of the Canadian Armed Forces about international humanitarian laws regarding combatants, prisoners of war and civilians, including children.

International Context

Paragraphs 2 and 3: Participation in armed conflict

455. Canada is actively participating in the negotiation of an *Optional Protocol to the Convention on the Rights of the Child* which would deal with children in armed conflict. The Government of Canada supports the early adoption of a strong text to raise the minimum age for participation in hostilities and for recruitment into the armed forces.

456. Formalizing a long-standing practice, Canada is in the process of codifying its practice of not sending anyone under the age of 18 to hostilities, and is in the process of examining current legislation on the recruitment of individuals who are under 18 years of age. The intent is to bring Canadian laws into line with the expected terms of the *Optional Protocol*.

457. Canada also strongly supports the UN Special Representative on Children and Armed Conflict (SRSG) as an advocate on behalf of children in situations of conflict. To this end, Canada will be part of a coalition of countries who will act as "Friends of the SRSG". The Government of Canada has financially supported this coalition of like-minded governments and NGOs who are seeking to raise the age of deployment and recruitment.

458. Canada is committed to assisting in the demobilization and reintegration of child soldiers into civil society. In March 1998, the federal government convened an International Roundtable on Child Soldiers to examine a role for Canada in addressing the issue of children and armed conflict. NGOs and experts attended the session.

459. In addition, the federal government has supported a project in the Democratic Republic of Congo to help the national and provincial authorities demobilize 1,500 child soldiers (aged 9 to 16 years) and reintegrate them into their families and civil society. The project also seeks to support their primary school education and skills training. The government has also contributed to a Canada-Norway initiative in Algeria to train local health care and social work professionals to assist children suffering from trauma as a result of the conflict there.

460. The Department of Foreign Affairs and International Trade (DFAIT) seconded Visiting UN Fellow Nigel Fisher, former UNICEF Director for Emergency Programs, to advise the department and the Minister on children and armed conflict. Mr. Fisher assisted in drafting a policy framework for Canada on war-affected children.

Paragraph 4: Protection and care of children

461. Canada continues to take part in peacekeeping activities or other actions of a military nature in accordance with the United Nations Charter. Since 1994, these operations have included peacekeeping missions on several continents. As a matter of policy, Canadian armed forces involved in these operations take special measures to protect and provide for non-combatants, including children.

462. Through international humanitarian assistance, the Canadian International Development Agency (CIDA) has provided substantial support to children affected by armed conflict. CIDA works with UN agencies such as UNHCR and UNICEF, as well as Canadian and international NGOs such as *Médecins Sans Frontières*, the Red Cross and World Vision. These projects have focused on the following areas:

- basic human needs (including food, water, sanitation and health services) to children and their families;
- the rebuilding of physical infrastructures destroyed by conflict (including schools, hospitals and orphanages);
- education and the development of rehabilitative facilities for children and youth;
- family reunification and assistance for internally displaced and unaccompanied children;
- shelter and counselling services for children psychologically affected by war (including physically and sexually abused girls);
- the demobilization and reintegration of child soldiers;
- demining and land mines awareness-raising campaigns; and
- direct support to Ministries of Youth, Health, Sport and Education.

463. One example of the kind of work CIDA has supported for children affected by armed conflict is in Croatia, where the International Children's Institute (ICI) cares for children who are struggling with trauma and stress by helping them develop the emotional coping skills they need for their total well-being. Working with teams of experts in psychology, education,

communication and health and with children and parents, the ICI develops community and school based programs focused on developing children's emotional coping and resiliency skills. Since the fall of 1993, the ICI has been working with mental health, education and communications professionals in Dubrovnik, Croatia to implement their building bridges program.

Article 39

464. See programs listed under Articles 34, 37 and 40 and provincial/territorial sections.

B. Children involved with the system of administration of juvenile justice

465. This section deals with the issue of juvenile justice and in particular with Canada's proposed youth justice system. Although the system was announced in the Spring of 1998 (and therefore technically falls outside this reporting period), it is included here because of the significance of the changes.

466. In particular, this section elaborates on proposed changes to the *Young Offenders Act* which have occurred since *Canada's First Report on the Convention on the Rights of the Child*. The Bill, entitled the *Youth Criminal Justice Act* was introduced in Parliament in March, 1999.

Constitutional Framework

Division of Power

467. The Government of Canada and the provincial governments share constitutional responsibility for matters relating to children in conflict with the law. The federal government has jurisdiction over criminal law, including criminal procedure. Provincial and territorial governments have jurisdiction over the administration of juvenile justice, including the provision of custodial and health facilities and services for young people in conflict with the law.

468. This sharing of responsibility of the juvenile justice system between 2 levels of governments and several jurisdictions requires an integrated approach to law-making. How this approach functions is described in detail below, under the heading "Comprehensive Review of Youth Justice System".

Factors, Difficulties and Progress

469. While the federal government consults the provinces and territories on the development of, and modifications to, the youth justice legislation, it also provides them with financial assistance in their administration of the legislation and delivery of programs and services for young people in conflict with the law.

470. When the *Young Offenders Act* was proclaimed in 1984, the federal government entered into new financial agreements with the provinces and territories. These arrangements expanded the scope of the federal assistance which, until then, had been limited to custodial services and some after-care programs. These agreements extended financial assistance to alternative

measures, bail supervision programs, post-adjudication detention, and the preparation of pre-sentence reports and other specialized assessments. New financial arrangements are now being negotiated with the provinces and territories with a view to promoting in a more direct fashion the policy objectives of the upcoming new legislation.

Canadian Charter of Rights and Freedoms - Legislative Guarantees

471. The rights set out in Article 40 (a) and (b, i, ii, iii, iv, and vi) of the *Convention on the Rights of the Child* are guaranteed under sections 7 (right to life, liberty, security of the person), 11 (legal rights) and 14 (right to an interpreter) of the *Canadian Charter of Rights and Freedoms*.

472. Legislation in Canada provides for the right of appeal, as stated in Article 40 (b) (v) of the Convention. As well, the privacy of most accused youth and young offenders is respected throughout legal proceedings and after a verdict is rendered. Except for certain circumstances, publication bans are a statutory requirement. This area is covered in further detail below.

473. The rights protecting children deprived of their liberty (Article 37 (a), (b) and (d)), are guaranteed in sections 12, 9, and 10 of the Charter, respectively. Section 12 guarantees “the right not to be subjected to any cruel and unusual treatment or punishment”. It should also be noted that capital punishment is not permitted in Canada. Section 9 guarantees “the right not to be arbitrarily detained or imprisoned”. Section 10 guarantees “the right on arrest or detention to retain or instruct counsel without delay, and to have the validity of the detention determined by way of *habeas corpus*”.

474. Upon ratification of the Convention, Canada entered a reservation with regard to Article 37 (c), to ensure that in determining the custodial arrangements for a young offender, the well-being of other young offenders and the safety of the public may be taken into account.

475. Where an accused young offender is convicted and sent to imprisonment, the (current) *Young Offenders Act* requires the court, after affording the young person, the parents of the young person, the Attorney General, the provincial director and representatives of the provincial and federal correctional systems an opportunity to be heard, order the young person to serve any portion of the imprisonment in either (a) a place of custody for young persons separate and apart from any adult who is detained or held in custody; (b) a provincial correctional facility for adults; or c) where the sentence is for 2 years or more, a penitentiary. In making such an order, the Court shall take into account

- (a) the safety of the young person;
- (b) the safety of the public;
- (c) the young person’s accessibility to family;
- (d) the safety of other young persons if the young person were to be held in custody in a place of custody for young persons;

- (e) whether the young person would have a detrimental influence on other young persons if the young person were to be held in custody in a place of custody for young persons;
- (f) the young person's level of maturity;
- (g) the availability of suitable treatment, educational and other resources that would be provided to the young person in a place of custody for young persons and in a place of custody for adults;
- (h) the young person's prior experiences and behaviour while in detention or custody;
- (i) the recommendations of the provincial director and representatives of the provincial and federal correctional facilities; and
- (j) any other factor the court considers relevant.

(*Young Offenders Act*, R.S.C. 1985, c. Y-1, s. 16.2)

1. Administration of Juvenile Justice System - Article 40

Comprehensive Review of Youth Justice System

476. Following amendments to the *Young Offenders Act* in June 1994, the Minister of Justice directed the Standing Committee on Justice and Legal Affairs to undertake a thorough, open-minded and critical examination of the Act.

477. At that time, the federal government also established a Federal-Provincial-Territorial (FPT) Task Force on Youth Justice. The mandate of the task force was to conduct a comprehensive review of the Act. The Task Force's *Report on Youth Justice*, completed in August 1996, contained recommendations on key elements of the youth justice system, such as age jurisdiction, serious offenders, alternatives to the courts, transfers to adult court, improvements to the administration of justice, and sentencing. The report was referred to the Standing Committee for its consideration.

478. In April 1997, following extensive consultations with organizations and governments across Canada and the consideration of numerous briefs and reports, including that of the FPT Task Force, the Standing Committee released its 13th report, *Renewing Youth Justice*. (See Appendix B for Committee's recommendations).

479. In May 1998, the Government responded by issuing "A Strategy for the Renewal of Youth Justice". The strategy is based on three key directions: prevention; meaningful consequences for youth crime; and intensified rehabilitation and reintegration for serious and violent young offenders. The renewal strategy is discussed in detail below as it pertains to the various Articles of the Convention.

Article 40 (2, vii): Right to privacy

480. The *Young Offender Act* permits the media to report on youth court proceedings provided the identity or information leading to the identification of the young offender is not revealed. There are a few exceptions to this prohibition:

- The identification of a young offender transferred to adult court can be revealed.
- The youth court may authorize the release of the name of a young accused if the youth is at large, a danger to others, and the publication is necessary to assist in his or her apprehension.
- A young person can apply to the youth court to have his or her name released to the public and the youth court may grant the application if it is deemed not to be contrary to the youth's best interests.
- The youth court may also, on application from the Crown or a peace officer, authorize the release of information to designated persons in order to avoid serious harm, if the young person has been found guilty of an offence involving serious personal harm, or if the young person poses a risk of serious personal harm.
- Information may be shared with school officials about a young offender where such a step is required to ensure the safety of staff, students and others.

481. The Standing Committee recommended that the *Young Offenders Act* be amended to provide youth court judges with the discretion to allow general publication of the name of a young offender in circumstances where people are at risk of serious harm and where, for safety reasons, the public interest requires that publication be done.

482. Under the current system, as noted above, the name of a young person transferred to the adult system can be made public. The federal government proposes that the names be made public in cases where the young offender is convicted and given an adult sentence.

483. The federal government also proposes an approach that permits publication in certain defined circumstances after the individual has received a youth sentence. For example, the name of a young offender 14 years of age or older who has been convicted of one of the five presumptive offences (murder, attempted murder, manslaughter, aggravated sexual assault, or an offence which forms part of a pattern of serious violent offences) could be published, even if he or she does not receive an adult sentence. However, the judge would have the discretion to order that the name not be made public.

Article 40 (3) (a): Minimum age

484. The minimum age for an individual to become involved in the youth justice system is 12 and will remain at 12.

485. The Standing Committee had recommended that, in exceptional circumstances, 10 and 11 year old youth suspected of committing extremely violent offences should be subject to the youth justice system. The Standing Committee further recommended that this be done at the consent of the provincial Attorney General and that the court's authority would include placing the child in the care of child welfare authorities if required.

486. However, the federal government, after careful consideration of the recommendation, concluded that referral to the appropriate provincial/territorial social and mental health services would provide a better response to the needs of these youth. The Government of Canada believes that these services are more age-appropriate, family-oriented and therapeutic than those available through the criminal justice system for children of this age.

487. In Canada, very few children under the age of 12 are involved in serious, violent behaviour. Recent experience indicates that if the juvenile justice legislation had been extended to children 10 to 12 years old, fewer than 3 or 4 children within that age group would be charged with a presumptive offence in Canada each year.

Article 40 (3) (b): Alternative measures to judicial proceedings

Crime Prevention Initiative

488. The National Strategy on Community Safety and Crime Prevention is designed to help Canadians create safer communities by supporting community-based crime prevention efforts, enhancing communities' knowledge and experience with respect to crime prevention and fostering partnerships and collaboration. Phase I of the Strategy was launched in 1994. This phase provided a framework for federal efforts to support community safety and crime prevention. It encouraged federal, provincial and territorial cooperation and emphasized the mobilization of Canadians to take action at the community level to prevent crime. As part of Phase I, the federal government created the National Crime Prevention Council (1994-1997), which was composed of 25 individuals with various backgrounds and expertise.

489. Phase II of this strategy was launched in 1998 and consists of 3 funds: the Investment Fund, the Partnership Fund and the Community Mobilisation Programs. Examples of initiatives created by Phase II will be outlined in the next report.

Other Child-oriented Programs

490. The National Children's Agenda and the Aboriginal Healing Strategy are 2 examples of federal government programs that aim to improve the lives of children and, among many other benefits, reduce the number of young people who commit criminal acts. These and other government initiatives are discussed throughout this report.

Specific Alternatives to Judicial Processes

491. Alternatives to the formal youth justice system are an important component of Canada's youth justice strategy. The Government of Canada recognizes that the majority of youth crime is of a temporary and minor nature and that the involvement of communities, offenders, victims, families and others in responding to the wrongdoing generally leads to more enduring solutions.

492. The police play a key role in promoting the use of alternatives to the justice system, screening youth into alternative programs, and developing informal and effective resolutions for delinquent behaviour. Consistent with the recommendations of the Standing Committee, the new legislation will give the police appropriate flexibility to exercise their discretion in support of effective alternatives to formal judicial procedures. In addition, the government will ensure that the youth justice system encourages alternatives to youth court proceedings, such as diversion programs, family group conferencing and other alternative measures or programs.

493. The Community and Youth Justice Committee approach is an example of an effective alternative measure. These committees develop responses and programs that are tailored to the needs of individual young people and their communities.

Article 40 (4): Variety of dispositions

Community-Based Sentences

494. Community-based sentences provide effective alternatives to custody for many young offenders. They encourage family members and the larger community to participate in resolving conflicts and developing solutions to youth crimes. Community-based sentencing provides greater and more meaningful assistance to young offenders, without sacrificing public safety.

495. Community-based measures can also be used as the basis for reintegration and after-care programs. These programs help provide a structured transition back to the community for youths who have been in custody, thereby reducing the chances of reoffending. The Youth After-Care Program in St. John's, Newfoundland, for example, provides young offenders with education programs, job training and individual counselling to assist in their reintegration.

496. The proposed youth justice legislation provides for increased re-integration measures which assist a young person in successfully reintegrating back into the community after a period of custody.

497. Due to the large number of Aboriginal youth in custody there is a special need to examine community based alternatives for Aboriginal youth. The Aboriginal justice inquiries in Alberta, Saskatchewan and Manitoba found disproportionately high pre-trial detention and custodial rates for Aboriginal youth. The Manitoba inquiry recommended resources for Aboriginal communities to develop community-based alternatives to detention.

Factors, Difficulties and Progress

498. The development and implementation of community-based sentencing programs will require financial resources. The Standing Committee recommended a significant shift in resources from custodial institutions to community-based services and the negotiation of new federal/provincial/territorial financial agreements to reflect this objective.

499. To this end, the development of a wide range of alternatives to courts and incarceration are a priority for the Government of Canada, and will be reflected in the negotiation of new federal/provincial/territorial cost-sharing arrangements. Initially, programs will require start-up funds, and these will vary with the unique needs of each jurisdiction. The savings resulting from reduced incarceration will provide ongoing funding for alternative programs and for improved treatment of the more serious offenders who receive custodial sentences.

500. Federal, provincial and territorial cooperation is essential to achieving the shared objectives of the renewal of youth justice. Alternatives and community-based sentences should help reduce administrative costs for the provinces and provide a youth justice system with more choices available to judges. This, in turn, will assist in the availability of custodial resources for violent and serious young offenders.

2. Children deprived of their liberty - Article 37

Paragraph (b): Arbitrary detention

501. The constitutional and statutory guarantees outlined in the First Report remain.

502. For the vast majority of offences, non-custodial sentences are imposed. When custody is imposed, an annual judicial review, including a full reassessment of the young offender's sentence, is available to the young person. Furthermore, young offenders who are transferred to a more secure level of custody may request either an administrative review by an independent review board or judicial review of the decision.

Paragraph (c): Separate detention of young offenders

503. The vast majority of young offenders who are detained are in custody in youth custody facilities. However, upon ratification, Canada entered a reservation with regard to Article 37 (c) to ensure that, in determining the custodial arrangements for a young offender, the well-being of other young offenders and the safety of the public may be taken into account.

504. According to the proposed legislation, all youth under 18, even those serving an adult sentence, are presumed to be placed in youth custody facilities.

505. With regard to detention prior to sentencing, the proposed legislation will stipulate that a young person detained prior to sentencing shall be held separate and apart from any adult who is detained or in custody unless:

- a youth justice court judge or a justice is satisfied that it is in the best interests of the young person and the young person cannot, having regard to either his own safety or the safety of others, be detained in a place of detention for young persons; or
- no place of detention for the young person is available within a reasonable distance.

506. As well, the proposed legislation states that following arrest, a young person who is detained shall be transferred to a place of temporary detention separate from adults as soon as practicable and in no case later than the first reasonable opportunity after the appearance of the young person before a youth justice court judge or justice.

507. Correctional Services Canada has conducted an internal review of young offenders sentenced to federal custody to ensure that the safety, well-being and programming needs of the offender are appropriately met.

508. As of September, 1999, there were 8 young offenders held in adult penitentiaries. A majority of these offenders are Aboriginal. Correctional Services Canada is currently exploring the possibility of transferring some of the Aboriginal young offenders to Aboriginal healing lodges to best meet their needs.

Paragraph (c): Separate detention in immigration context

509. Children may arrive in Canada with or without a parent or guardian. In all cases, the rights of the child remain paramount. The deprivation of the liberty of children for purposes of immigration security is used only as a measure of last resort.

510. The *Immigration Act* provides that an immigration officer may detain for two reasons:

- there are reasonable grounds to believe the person poses a danger to the public;
- there are reasonable grounds to believe the person would not or is not likely to appear for an examination, an inquiry or removal from Canada.

511. As noted, the decision to detain a person is not made lightly and immigration officers are instructed to consider other options, such as cash or performance bonds or promises to appear, whenever possible. In situations involving families, it is often only the head of family who is detained.

512. The rights of the person detained are protected by the *Canadian Charter of Rights and Freedoms* and, more specifically, the *Immigration Act*. The Act provides for detention reviews to ensure that the person is detained with cause and that he or she may speak on their own behalf. Everyone who is detained is advised of their right to retain and instruct counsel.

513. A detention review must occur before an adjudicator of the Immigration and Refugee Board after the first 48 hours of a person's detention. Further reviews are conducted after 7 days and every 30 days thereafter. The adjudicator reviews the reasons for continued detention on each occasion. Should the adjudicator find that reasons for continued detention do not exist, he or she may order that the person be released.

514. Citizenship and Immigration Canada operates two holding centres. These are minimum security establishments which detain people considered to be low risk. These centres are not jails. In contrast, criminals, terrorists and danger cases are detained in jails operated by provincial governments. Low risk individuals and families who must be detained in a community distant from a holding centre are typically accompanied by security personnel to a local hotel or motel. This is usually done to ensure and facilitate removal of a family that has a history of not cooperating.

515. Operational guidelines for immigration officers provide that in cases involving minors, especially unaccompanied minors, "the decision to detain/release should also be guided by Article 3 of the *Convention on the Rights of the Child*," which provides that in all actions concerning children undertaken by administrative authorities, the best interests of the child shall be a primary consideration.

516. In cases where children arrive accompanied by a parent or guardian and the parent or guardian is detained, any request to keep the family together is assessed and efforts are made to allow the children to stay with the parents. Where the parents are held in an immigration holding centre, the family is generally segregated from the general population of the facility, often with separate sleeping facilities for the women and children. At the detention facility in Laval, the minor is kept with the mother and the father's room is in the men's building but he may come over during the day and stay with the family. In Mississauga, the family is kept together in a room which is separate from the men's and women's facilities.

517. In cases where children arrive in Canada without a parent or guardian, officials attempt to locate relatives already in Canada wherever possible. Provincial and municipal child welfare authorities are also notified. Detention of an unaccompanied child at an immigration facility for more than a brief period, the time required to ensure that the child will receive proper care elsewhere, is unusual. Detained children are always held apart from the rest of the incarcerated population. They are closely monitored and have access to common areas where toys, games, television, books and outdoor recreation activities are made available. There is also on-site medical staff available.

518. Certain non-governmental organizations have full access to immigration holding centres while other organizations have access to visit and provide support to a person in a holding centre. The Department of Citizenship and Immigration works closely with these organizations to improve conditions for detained persons and to resolve problems which may arise.

519. The *National Standards and Monitoring Strategy* for immigration holding centres, which were developed in cooperation with non-governmental organizations, include a section under "Special Measures" for both unaccompanied and accompanied minors which includes: physical

placement, access to education and recreational programs and monitoring with respect to health and psychiatric care. For example, the strategy recommends that minors detained for more than 7 days have access to education.

Paragraph (d): Legal assistance

520. Young persons under the current Young Offenders legislation and under the proposed Bill have the right to counsel at any stage of the proceedings. A court can order the Attorney General to have counsel appointed for the young person.

C. Children in situations of exploitation, including physical and psychological recovery and social integration

1. Economic exploitation - Article 32

521. The statutory protections as outlined in the First Report remain.

522. The Government of Canada is committed to reducing the economic exploitation of children internationally as well as domestically.

523. In October 1997, Canada hosted a trilateral conference in Ottawa with its NAFTA (North American Free Trade Agreement) partners, the United States and Mexico. The purpose of the conference was to discuss trends in this area and to consider measures that various sectors of society could adopt to reduce inappropriate child labour. Items on the agenda included legal protection afforded to children, education programs, access to social services and child care, and adequate safeguards for the safety and health of working children and youth.

524. In April 1997, the Minister of Foreign Affairs announced the creation of the *Child Labour Challenge Fund*, aimed at engaging Canada's private sector in contributing to international efforts to eliminate exploitative child labour. The fund ended in March 1999.

525. The federal government, through the Canadian Centre for Foreign Policy Development (CCFPD), has supported a number of public initiatives to combat exploitative child labour. These initiatives have included roundtables, youth education programs, awareness raising and workshops. The results of these projects and proceedings are widely disseminated through the Centre's publications and Web site and through its growing policy community network across Canada.

526. The Canadian International Development Agency (CIDA) has also addressed the issue of child labour, through poverty alleviation and an integrated set of activities including investments in primary education, creating alternate employment opportunities for adults, especially women, and projects specifically targeted at child labourers. CIDA is working to address the immediate needs of child labourers by supporting their right to education, health care, and to a safe childhood. CIDA also believes that children's participation should be an integral part of any intervention.

527. An example of CIDA's approach to integrating child protection into project activities is the Small and Micro Development in Upper Egypt (SMEDUP) project, which began in 1996. Delivered by the Foundation for International Training, the project helps Egyptian people create small businesses and jobs in order to improve their quality of life. Child protection has become an increasingly important theme in the project which works with the new enterprises to ensure that any children employed in the firms are not exploited, work in a safe environment and receive access to training and education that will serve them in the future. The project also promotes better practices in protecting working children amongst the small business sector through its involvement in the Egyptian Small and Medium Enterprise Associations' group on Children and Work.

528. In 1996, Canada contributed \$700,000 to the ILO's International Program for the Elimination of Child Labour (IPEC) and, in 1997, participated in both the Amsterdam (February) and Oslo (October) Child Labour Conferences. The purpose of these conferences was to build momentum for the adoption in 1999 of a new ILO Convention dealing with the most extreme forms of child labour. Canada is committed to the elaboration of such a Convention and has made its negotiation the focus of our multilateral efforts on the issue of exploitative child labour.

529. In April 1998, in response to a 1997 report by the House of Commons Sub-Committee on Sustainable Human Development, the Government of Canada tabled *Ending Child Labour Exploitation: A Canadian Agenda for Action on Global Challenges*. The report outlined the government's ongoing efforts and new actions in this area, including work with key multilateral organizations. New initiatives included a study on child and youth labour in Canada and a contribution of \$500,000 to support the work of the ILO's Statistical Information and Monitoring Program on Child Labour (SIMPOC).

2. Drug abuse - Article 33

Measures in Force

530. In 1997, Canada's new *Controlled Drugs and Substances Act* came into force. The Act, which modernized and consolidated the existing drugs and narcotics legislation, provides mechanisms to ensure that the export, import, production, distribution, possession, and use of internationally regulated substances are confined to medical, scientific and industrial purposes.

Priorities and Goals

531. Addressing the needs of youth is a priority of Canada's Drug Strategy, which aims to reduce the harm associated with alcohol and other drugs to individuals, families and communities. Strategy initiatives include research on the risk factors and root causes of substance abuse, the analysis and dissemination of information about best practices for

prevention, and the development of resources for those who work with youth in this area. A number of federal departments work closely with provincial/territorial governments and a variety of other stakeholders on four fronts to:

- prevent the use of drugs by those not currently using them;
- reduce the harm to those who do use them;
- enhance treatment and rehabilitation for those affected by substance abuse; and
- cooperate at the international level to address the global drug problem.

Institutions and Mechanisms

532. The Canadian Centre on Substance Abuse (CCSA) was established by an Act of Parliament in 1988 and is funded by the Canadian government. The centre operates as a national clearinghouse for the collection, analysis and dissemination of knowledge on substance abuse, addiction and related health information. For example, CCSA provides information for youth on its Web site and operates a Resource Centre on Fetal Alcohol Syndrome/Fetal Alcohol Effects. CCSA has been working with the United Nations International Drug Control Program (UNDCP) to establish a virtual clearinghouse on substance abuse.

533. The Government of Canada recognizes the importance of education and prevention in reducing substance abuse and has developed a number of educational programs for a range of ages and needs. For example, *Just for Me*, which promotes a holistic approach to substance abuse prevention within schools and communities, is targeted to children 7, 8 and 9 years old. This program includes six 15-minute videos, a comprehensive teachers' guide and a peer-helper handbook. The program also includes a parent/home component with videos for parents, a parent's guide, and a parent workshop leader's manual.

534. *Your Choice...Our Chance* is aimed at children in grades 5 and 6. The program brings together schools, families, and communities in a working partnership to prevent the early use and abuse of alcohol, tobacco, and other drugs by young people. The program consists of 2 components: one for use in schools and one for use in the community. The school component includes teacher's and facilitator's guides and 10 15-minute videos that show young people in realistic situations and which focus on behaviour, development and skills-building. The community component contains a community handbook and 3 30-minute videos illustrating successful community programs.

535. Canada's Drug Strategy collaborated with the National AIDS Strategy to coordinate a public awareness and education tour which used music and comedy to address the links between alcohol use and HIV infection among post-secondary students.

536. Health Canada and provincial territorial governments have collaborated in the Community Development Project for Youth-At-Risk in Montreal, Halifax, several communities in Manitoba and Saskatchewan, and Whitehorse. The project developed community activities

and tools to address substance abuse issues facing at-risk youth. The project also provided valuable experience in the development of successful youth-based community programs, which was used to produce a model for community development and a booklet of tips for service providers.

537. *Horizons III - Young Canadians' Alcohol and Other Drug Use: Increasing Our Understanding*, the third of three key publications on at-risk populations, summarizes some of the most significant and interesting results about young peoples' alcohol and other drug use from recent Canadian surveys. It also identifies gaps in current knowledge and suggests methods to correct these deficiencies.

538. The project *Peer Helper Initiatives for Out-of-the-Mainstream Youth* focuses on the types of peer helper initiatives which have proved to be successful in working with youth-at-risk and the challenges that are present when developing or maintaining peer helper initiatives. The project developed a report and compendium of projects based on site visits in selected communities, interviews and focus group discussions with at-risk youth and with people providing them with services.

539. *Canada's Alcohol and Other Drugs Survey 1994: A Discussion of the Findings* looked at Canadians' behaviours and attitudes as they relate to alcohol and other drugs. The results of this survey are useful to people working in substance abuse and related health and social fields and also provide valuable information to policy makers, scientists and treatment and program specialists.

540. The Alcohol and Drug Treatment Program (ADTR) supports the provinces and territories in increasing and expanding innovative treatment and rehabilitation programs related to alcohol and other drugs. Youth is the prime target group for services funded under ADTR; other populations at risk, such as women, are also targeted.

541. Various social marketing initiatives have also been developed to address substance use issues among youth, including development of themes and scripts for popular television programs, collaboration with the private sector, continued partnership with Concerned Children's Advertisers, and the use of shopping malls to provide programs to youth. "Social marketing" uses marketing techniques to generate discussion and promote information, attitudes and values, thereby creating a climate conducive to social and behavioural change.

542. In 1998, in collaboration with the United Nations International Drug Control Program (UNDCP), Canada hosted an international event on youth and drugs. Organized by the Alberta alcohol and Drug Abuse Commission (AADAC), the Canadian Centre on Substance Abuse (CCSA) and several federal government departments, the event was attended by more than 150 young people from approximately 22 countries, including 75 youth from across Canada. Participants had the opportunity to discuss relevant issues, share ideas and information, and explore innovative approaches to addressing the global problem. A report containing recommendations from the youth was submitted to the United Nations General Assembly Special Session on Drugs in June 1998.

543. Health Canada, in collaboration with provincial/territorial governments and community groups, has participated in two phases of the World Health Organization (WHO) International Street Children Project. The first phase developed an international methodology to assist local communities to become involved in street children issues. The second phase of the project tested WHO-created resource materials and provided feedback for future revisions. A third phase, in which Health Canada will also participate, will focus on the dissemination of the information and the establishment of model programs, training centres, and research centres in participating countries.

3. Sexual abuse and sexual exploitation - Article 34

Measures in Force

544. Section 163.1 of the *Criminal Code* entered into force in August 1993. It prohibits the production, publication, importation, distribution, sale or possession of child pornography in order to protect children from child pornography, sexual exploitation and harm. Under the *Criminal Code*, child pornography includes photographic, film, video or other visual representations showing a person who is or is depicted as being under the age of 18 and is engaged in or depicted as engaged in explicit sexual activity. It also includes such visual representations where the dominant characteristic is the depiction, for a sexual purpose, of the sexual organ or anal region of a person under the age of 18. Further, any written material or visual representation that advocates or counsels sexual activity with a person under the age of 18 that would be an offence under the *Criminal Code* is also included in the definition of child pornography and is therefore prohibited.

545. The offences of production, importation, distribution and sale of child pornography, and possession for such purposes, carry maximum sentences of 10 years in prison; the offence of simple possession of such materials is subject to a maximum term of 5 years in prison.

546. In recent years, a number of cases before the courts have addressed concerns about the availability of child pornography on the Internet. In many Canadian provinces (e.g., Newfoundland, Nova Scotia, Quebec, Ontario, Saskatchewan, Alberta, and British Columbia), systems operators and individuals have been charged and convicted with either distribution or possession of child pornography under section 163.1 of the *Criminal Code*.

547. In a recent case, the British Columbia Supreme Court held that these provisions in the *Criminal Code* were unconstitutional, as the criminality of possessing child pornography infringed the accused's freedoms and rights under the *Canadian Charter of Rights and Freedoms*. The court held that the detrimental intrusion into the freedom of expression and to the right of privacy by making it an offence to simply possess pornography substantially outweighed the salutary effect of combating practices that put children at risk. The British Columbia Court of Appeal upheld the lower court's findings. The Crown has appealed the decision to the Supreme Court of Canada (*R. v. Sharpe* (1999) 136 C.C.C. (3d) 97).

548. The child sexual abuse provisions of the *Criminal Code* were amended by Bill C-15 in January, 1988. The bill required that a Committee of the House of Commons review these new provisions after four years in operation. Accordingly, in 1993, the Standing Committee on

Justice and the Solicitor General reviewed Bill C-15 and reported its findings in *Four Year Review of the Child Sexual Abuse Provisions of the Criminal Code and the Canada Evidence Act (Formerly Bill C-15)*. The federal government supported this review with research in a number of Canadian jurisdictions to assess the impact of the new legislation. Researchers also examined the impact of the 1988 amendments by reviewing the outcomes of child sexual abuse cases that were reported to the police and/or child welfare agencies in five Canadian cities. These research reports have been publicly released and widely disseminated.

549. In August 1993, Bill C-126 further amended the *Criminal Code* to provide increased protection to children from sexual abuse and to facilitate the giving of evidence by a child victim/witness. In particular, Bill C-126:

- created a new prohibition whereby a court may now make an order, for up to life, prohibiting a convicted sex offender from attending a public park or swimming area, or a school ground or playground, and from being an employee or volunteer in a position of trust over a child under the age of 14 years (section 161 of the *Criminal Code*);
- allows a person to obtain a peace bond (protective order), lasting up to 12 months, if he or she fears that another person will commit a sexual offence against a child. A condition of the peace bond may be that the defendant be prohibited from engaging in any activity involving contact with children under 14 years, and from attending a public park or public swimming area, or a daycare centre, school ground, playground, or community centre (section 810.1 of the *Criminal Code*);
- abrogated any requirement that a court warn the jury about convicting an accused on the evidence of a child (section 659 of the *Criminal Code*);
- permits a judge to prohibit the accused from personally cross-examining the child and to appoint counsel for the purpose of conducting the cross-examination (subsection 486 (2.3) of the *Criminal Code*);
- permits a support person to accompany the child while testifying and allows the judge to order that the support person and the witness not communicate with each other during the witness' testimony (subsection 486(2.1) of the *Criminal Code*);
- provides for the exclusion of the public while a child is testifying in a case involving sexual abuse or violence (subsection 486(1.1) of the *Criminal Code*); and
- prohibits anyone from doing anything in Canada for the purpose of removing a child, who is ordinarily resident in Canada, with the intention of committing one of the enumerated assault and sexual offences against a child, which if committed in Canada, would be an offence (section 273.3 of the *Criminal Code*).

550. During the Summer of 1994, federal departments consulted with provincial/territorial officials, police agencies and non-governmental organizations to assess support for improved measures to keep sex offenders away from children and for a registry of offenders. While

participants did not support the establishment of a registry, there was support for measures to help NGOs screen out sex offenders from child-sensitive positions. The National Information Systems on Child Sex Offenders and the National Education Campaign were announced by the Solicitor General of Canada based on the consultation findings.

551. Accordingly, enhancements to the existing Canadian Police Information Centre (CPIC) database to provide more and better information regarding sex offenders were announced. CPIC, which is accessible to all police agencies in Canada, now includes data on all convicted sex offenders (summary and indictable convictions), prohibition orders and peace bonds relating to sex offenders, age and sex of child victims of sexual abuse, and fingerprint information on persons accused of hybrid offences. Any organization that offers services to children and other vulnerable people can request that job applicants/volunteers obtain a CPIC criminal record check through their local police as a condition of employment or volunteer work.

552. The National Education Campaign, in partnership with the Canadian Association of Volunteer Bureaux and Centres, produced a comprehensive training manual on screening out sex offenders, a series of fact sheets and a video called *Duty of Care*. These materials have been used in over 200 communities across Canada, more than 2,500 manuals have been distributed, and training has been taken by more than 2,000 non-profit organizations and more than 500 palliative care organizations. This initiative was renewed in November 1997 for an additional two years.

553. The government is currently reviewing the effectiveness and adequacy of these initiatives with a view to strengthening the protection of children against sexual exploitation.

554. In May 1997, Bill C-27 amended the *Criminal Code* to allow for the Canadian prosecution of persons who engage in child sex tourism and to facilitate the apprehension and prosecution of persons who seek out the services of juvenile prostitutes in Canada. The bill also included provision for the mandatory minimum sentence of 5 years imprisonment for any person living on the avails of prostitution in relation to a person under the age of 18 and who uses violence against the person under that age and assists that person in carrying on prostitution-related activities for profit.

555. Parliament also amended the *Criminal Code* to specifically characterize female genital mutilation as a form of aggravated assault. Community representatives identified and supported the need for such an amendment to support ongoing educational efforts to halt this practice.

556. Status of Women Canada convened two roundtables to address the issue of child exploitation, and in particular, exploitation of girls and young women. In December 1996, the *Roundtable on Child Sex Tourism* brought representatives of the travel and tourism industry together with groups such as Street Kids International and End Child Prostitution in Asian Tourism (ECPAT) to look at ways in which Canadians can contribute to solving the problem of child sex tourism. The second roundtable, in March 1998, produced a draft action plan for a national education campaign against the commercial sexual exploitation of children. The

campaign, called *Stolen Innocence*, brings together representatives of the Canadian travel and tourism industry, NGOs and governments to coordinate efforts to address the problem here and abroad.

557. Through its Women's Program, Status of Women Canada provides financial and technical assistance to organizations working to advance gender equality at the community, regional and national level. Support has been provided for the production and distribution of a culturally-sensitive workshop module for use by communities in which female genital mutilation is a traditional practice. The Women's Program has also supported projects to provide cross-cultural sensitivity training for social workers, to improve communication between the government and agencies dealing with Aboriginal children, and to adopt a model of risk assessment designed by and for Aboriginal child welfare professionals. In addition, support has been provided for projects addressing the commercial sexual exploitation of children including research and development of a coordinated community action plan to address the sexual exploitation of children in Saskatoon.

558. The Government of Canada, through the work of a federal interdepartmental committee, is developing and promoting a Canadian strategy in line with the principles set out in the *Report of the Rapporteur-General*, prepared by Professor Vitit Muntarbhorn, former UN Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography. The strategy includes child participation, prevention, protection, recovery/reintegration, information collection and dissemination, international cooperation and follow-up. In 1997, the committee issued a list of federal government activities intended to eliminate the commercial sexual exploitation of children. The list is currently being revised.

559. In 1998 in Victoria, British Columbia, the Government of Canada hosted *Out From the Shadows - An International Summit of Sexually Exploited Youth*. The conference was initiated by Senator Pearson, Canada's Senator for Children's Rights, and Cherry Kingsley, a child advocate and former victim of sexual exploitation, following their participation in the First World Congress Against Commercial Sexual Exploitation of Children in Stockholm in 1996. In preparation for the Summit, sexually exploited children and youth in Canada were consulted on various issues. The five-day Summit brought together youth as well as representatives of governments and non-governmental organizations to examine issues related to the commercial sexual exploitation of young people and to develop strategies and initiatives. The Government also supported the attendance of both Canadian and international youth at the conference. Participants at the Summit developed a Declaration and Action Plan. Canada is now exploring ways to develop support mechanisms for youth returning to their communities, in areas of rehabilitation and counselling, education and training, and reintegration into the community and labour force.

560. Internationally, much of the work of the Canadian International Development Agency has a direct or indirect impact on the sexual exploitation of children. In particular, CIDA supports initiatives with street children, working children, sexually exploited/trafficked children,

children affected by HIV/AIDS, and children affected by armed conflict to respond to the immediate needs of these girls and boys, reduce the vulnerability of all children to abuse, exploitation and violence, and support advocacy aimed at governments, civil society and children themselves to raise awareness of and change attitudes toward children that have been victims of violence and exploitation.

561. Internationally, much of the work of the Canadian International Development Agency benefits children who are vulnerable to sexual exploitation. For example, CIDA has provided support for women and children to increase their access to basic social services such as health care and education, and funding to non-governmental organizations such as StreetKids International who work directly with children vulnerable to sexual exploitation.

562. CIDA also supports projects which are targeted specifically at helping sexually exploited children. Through the Southeast Asia Fund for Institutional and Legal Development, CIDA supported the preparation of regional and country reports on the trafficking of women and children in the Mekong Region. At the regional Conference in Bangkok in 1997, delegates from each country shared views on cross-border issues, agreed to a working definition of trafficking, and reached some tentative decisions on cross-border protocols to protect and assist victims.

563. Programs that indirectly affect the sexual exploitation of children include innovative basic education projects, support of organizations working with street children and improving access to basic health services.

564. The Government of Canada strongly supports the early adoption of an Optional Protocol to the *Convention on the Rights of the Child on the Sale of Children, Child Pornography and Child Prostitution*. Canada has been very active in the negotiations to ensure that the text would obligate states to criminalize these practices and put in place measures for the protection of child victims.

Factors, Difficulties and Progress

565. The Government of Canada, in cooperation with the provinces and territories, is developing a two-component project to increase the protection of children and youth against abuse and neglect, including sexual exploitation. The first component will assess the need for amendments to the *Criminal Code* and the *Canada Evidence Act* regarding children's testimony (including competency, hearsay evidence, and videotaping), age of consent to sexual activity (including close-in-age exceptions), the definition of specific offences against children (physical and emotional abuse, neglect, child homicide), and sentencing to provide better protection of children. The second component will examine the early warning, prevention and enforcement stages of child protection as they relate to the *Criminal Code*. Working closely with provincial and territorial child welfare/protection officers, the project will develop intersectoral and interdisciplinary approaches (social services, criminal justice personnel, coroners, health professionals and educators) to increase protection to children.

4. Prevention of Sale - Article 35

566. In December 1996, Canada ratified the *Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption*. The Convention is in force in most provinces and territories. The Convention will assist in preventing the abduction, sale or trafficking of children.

5. Other forms of exploitation - Article 36

567. Minefields kill or maim an estimated 25,000 people a year, mostly civilians, and many of them children. Canada's long involvement in peacekeeping missions, where it has seen first-hand the lasting and devastating effects of land mines, was a major factor in Canada's decision to spearhead the diplomatic campaign to negotiate an international ban on the weapons. In December 1997, Canada hosted the formal signing of the *Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction*, commonly known as the *Ottawa Convention*. The Government of Canada has pledged \$100 million over the next five years to support the removal of the millions of mines in the ground and to provide assistance to victims and nations coping with their devastating effects. As well, the Government of Canada has worked closely with the UN Mine Action service and UNICEF on demining activities, awareness-raising and education around landmines.

568. Parental child abductions, another form of exploitation, are a source of growing concern to the Government of Canada. Parental child abduction occurs when a child is taken by one parent without the permission or legal authority of the other parent who has lawful custody of the child. It usually arises in the context of a custody dispute. Canada's law enforcement agencies and the *Criminal Code* provide measures for expedient location of abducted children and the punishment of the abducting parent. Parental child abductions were discussed in further detail in Theme V, Article 11 of this report.

Priorities and Goals

569. The House of Commons Sub-Committee on Human Rights and International Development released its *Report on International Child Abduction*. The report included recommendations to:

- examine, with the provinces and territories, ways to formally encourage other states to become signatories to the *Hague Convention on the Civil Aspects of International Child Abduction*;
- develop consistent data on domestic and international parental abductions;
- establish a joint federal/provincial/territorial cost-sharing fund for expenses related to travel and legal services to assist parents in need whose children have been abducted from Canada; and
- organize an annual conference in Canada with international key players to share information and search for solutions to international child abductions.

570. Eleven of the 14 recommendations were endorsed, with some qualification, by the Government of Canada. As well, guidelines to assist in the uniform application of the *Criminal Code* provisions are currently being revised by a federal/provincial/territorial working group of officials.

571. International child abductions were discussed in further detail in Theme V, Article 11 of this report.

D. Children in Minorities and Indigenous Children - Article 30

Aboriginal Children

572. Subsection 91(24) of the *Constitution Act 1867* stipulates that the subject matter of "Indians, and Lands reserved for Indians" falls within the exclusive jurisdiction of the Parliament of Canada. Thus, the federal government is responsible for providing many services, such as health care and education, for Aboriginal people that would otherwise be within the jurisdiction of the provinces.

573. Section 35 of the *Constitution Act 1982* stipulates that "the existing Aboriginal and treaty rights of the Aboriginal peoples of Canada are hereby recognized and affirmed." Under the Act, the term "Aboriginal peoples of Canada" includes the Indian, Inuit and Métis peoples of Canada.

574. The statistics that follow demonstrate that overall, Aboriginal people in Canada fare less well than other Canadians, and the Government of Canada recognizes that, for some Aboriginal people, the situation is dire. The Government has been working with the First Nations on strong efforts to improve the lives of Aboriginal peoples in Canada, including children. Since *Canada's First Report on the Convention on the Rights of the Child*, the Government has made several major policy pronouncements on Aboriginal issues. Some of the major pronouncements are described below.

575. In August 1995, the Government of Canada released its *Inherent Right Policy* on Aboriginal self-government. The policy is based on the view that Aboriginal people have a right to govern themselves in relation to matters internal to their communities, integral to their unique cultures, identities, traditions, languages and institutions, and with respect to their special relationship to their lands and resources. Negotiations are taking place with over half of the First Nations and Inuit communities, and encompass such matters as governance, the administration of justice, the preservation and promotion of Aboriginal languages and cultures and the provision of educational, health and social services and child welfare.

576. In January 1998, the federal government also unveiled *Gathering Strength: Canada's Aboriginal Action Plan*, in response to the report by the Royal Commission on Aboriginal Peoples (RCAP). The objectives of the plan are to:

- renew the partnerships between Aboriginal people, organizations and governments;
- strengthen Aboriginal governance;

- develop a new fiscal relationship; and
- support strong communities, people and economies.

577. The Action Plan calls for a Statement of Reconciliation by Canada, formally acknowledging and regretting historic injustices; community healing to address the effects of physical and sexual abuse in the residential schools system; an Aboriginal languages program; an on-reserve Aboriginal Head Start program; resources to increase the number of adequate houses on reserves; and additional resources to improve water and sewer facilities on reserves.

578. The *Inherent Right Policy* and *Canada's Aboriginal Action Plan* are broad-based initiatives aimed at improving the lives of Aboriginal peoples. Specific programs and other initiatives directed toward Aboriginal peoples are described throughout this report, in relation to the specific Article of the *Convention on the Rights of the Child* that they support.

579. Federal spending on Aboriginal programs totaled approximately \$6.0 billion in 1997-98 and involved 13 departments.

580. Aboriginal programs represented 5.7 percent of total federal program spending in the fiscal year.

581. The Department of Canadian Heritage is exploring methods to help Aboriginal peoples establish a network of urban Aboriginal youth centres to improve the situation facing Aboriginal youth in educational attainment, labour force activity, health practices and suicide prevention.

International

582. The Canadian International Development Agency is committed to promoting the rights of minority children including indigenous children. An example of CIDA programming targeting ethnic minorities is the Yunnan Maternal and Child Health Project. This project aims to improve the health and welfare of pregnant women and infants in poor ethnic minority populations of Yunnan province in China by training doctors and midwives.

Language

583. The constitutional and statutory guarantees outlined in the First Report remain.

584. Part VII of the *Official Languages Act*, dealing with the advancement of English and French within Canadian society, includes measures to promote and encourage federal-provincial-territorial cooperation in this area, notably with respect to minority language and second language education.

585. In August 1994, the Government of Canada approved the establishment of a framework to implement Part VII of the Act. In order to comply with this framework, 28 federal government institutions must now adopt annual action plans and announce the various measures they will develop to realize the federal government's commitment under Part VII of this statute.

586. In March 1998, the federal government announced the renewal of federal-provincial agreements on official languages, for a further 5 years.

Religion

587. The constitutional guarantees outlined in the First Report remain.

588. The application of the constitutional right of minority language education under s. 23 of the *Canadian Charter of Rights and Freedoms* is a provincial responsibility, as education falls primarily within the provincial domain. Several provinces have adopted or modified their education laws to comply with this Charter provision and with judicial decisions. However, certain minority language communities view these provincial measures as being insufficient and have turned to the courts to determine more precisely the extent of their rights and the provincial/territorial obligations.

Jurisprudence

589. In the past few years, several provinces have made major modifications to their educational system to take into account economic, social and demographic changes. These changes have caused several minority language groups to consider whether the changes contravene their constitutional rights. For example, in the case *Hogan v. Newfoundland*, [1998] N.J. no. 210, the appellants argued that modifications away from a denominationally-based school system are unconstitutional. In the case *Larouche v. Quebec*, [1997] A.Q. no 3804, the appellants argued that changes to permit a school system based upon language, rather than religion, is unconstitutional.

590. In *Adler v. Ontario*, ([1996] 3 S.C.R. 609) the appellants sought a declaration that the existing scheme of funding Catholic schools in Ontario, but not other religions, was unconstitutional. The Court held that section 93(1) of the *Constitution Act 1867* is the product of a historical compromise crucial to Confederation and forms a comprehensive code with respect to denominational schools rights, such as s. 23 of the *Canadian Charter of Rights and Freedoms* with respect to minority language education rights as outlined in the decision *Mahé v. Alberta*, [1990] 1 S.C.R. 342. As a result, s. 2 (a) and s. 15 of the Charter cannot be used to enlarge this comprehensive code.

591. The Supreme Court of Canada granted leave to appeal in the case *Arsenault-Cameron v. Prince Edward Island* ([1997] P.E.I.J. no. 7). The parents had obtained a declaration from the Supreme Court of Prince Edward Island that the provincial government had an obligation under s. 23 of the Charter to provide French-language education in facilities located in the Summerside area. The Court of Appeal overturned this decision, ruling that French-language education was properly provided in an existing French first-language school located in another community and that the provision of bus transportation to that school was an acceptable accommodation, taking into account the needs of the children.

Article 34: Sexual Exploitation and Sexual Abuse

938. In 1996, amendments to Manitoba's provincial legislation were passed to further strengthen and clarify provisions relating to the reporting and investigation of child abuse cases. In 1999, a number of changes were introduced to *The Child and Family Services Act* to enhance the protection and investigation functions.

Article 35: Sale Trafficking and Abduction

939. *The Child Custody Enforcement Act* implements *The Hague Convention on Civil Aspects of International Child Abduction* and provides civil means by which to enforce custody or access rights, and to prevent or remedy a child abduction situation.

940. *The Hague Convention on the Protection of Children and Cooperation in Respect of Inter-Country Adoption* became law in Manitoba on April 1, 1997, being implemented through the *Inter-Country Adoption (Hague Convention) Act*. Within the Court of Queen's Bench (Family Division), a case management pilot project commenced in 1995. Under this program, new separation and divorce cases are randomly selected each month to be managed and expedited through the justice system to reduce unnecessary delay and expense by promoting early and fair settlements.

General Information

941. Family conciliation, within the Department of Family Services, offers free mediation services to parents and others regarding child custody and child access issues.

942. *The Domestic Violence and Stalking Prevention, Protection and Compensation Act* came into force on September 30, 1999. It provides persons subjected to stalking and domestic violence with the ability to seek a wide range of civil remedies to address their individual needs. Persons can apply for orders of protection on behalf of a minor (or mentally incompetent individual) who is being stalked or subjected to domestic violence. The Act creates 2 different types of orders: Protection Orders, obtained from a designated Justice of the Peace of the Provincial Court of Manitoba, and Prevention Orders, obtained from the Court of Queen's Bench.

ONTARIO

943. The following is an update to Ontario's First Report on the *Convention on the Rights of the Child*. This report covers the period from January 1993 to December 1997.

Introduction

944. Children are a priority for this government. In 1997, for the first time, the government appointed a Minister Responsible for Children and established a Children's Secretariat. The Minister is an advocate, advisor and "voice" for Ontario's children. With the assistance of the

Secretariat, the Minister assesses the effects of current and new government policy on children and promotes a co-ordinated approach to policy/program planning and service delivery for children and families.

945. In 1997, the government established the Office of Integrated Services for Children, which has as its purpose the design and implementation of strategies for the integration of service delivery for children and families at risk.

946. Ontario has taken a number of steps to promote the health, protection and education of children, including the following:

- The government undertook a comprehensive reform of Ontario's child protection system to ensure that the best interests of children come first. Reforms included amendments to the *Child and Family Services Act* to provide stronger tools for the courts, professionals and front-line workers to do their jobs; and a new approach to funding children's aid societies that better reflects workload and service needs.
- The mandatory Healthy Babies Healthy Children program was launched in 1997 as part of the Province's commitment to healthy child development and to developing an integrated system of effective services for families and young children. The funding provides prenatal and universal screening at birth and universal postpartum follow up within 48 hours by Public Health Nurses with the offer of a home visit. Information and support for healthy child development are provided at birth and through the early years with screening available for children 18 months to 3 years. Families are linked to community services and for those requiring additional supports, home visiting and service coordination are provided.

Definition of a child

947. Minimum age requirements are maintained in certain areas to protect children from harm or abuse. These areas include driving, purchasing alcohol and tobacco, admission to adult entertainment facilities, purchasing or using a weapon, the age of consent and the legal working age.

General principles

Non-discrimination (Article 2)

948. The Ontario *Human Rights Code* protects children from discrimination because of race, ancestry, and place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, family status or handicap. A special provision protects 16 and 17 year olds from discrimination in seeking accommodation if they have withdrawn from parental control.

949. In accordance with subsection 2 of Article 2, the Code protects against discrimination because of a relationship with a person or persons identified by a prohibited ground of discrimination. This would include a child's parents, legal guardians or family members.

Best interests of the child (Article 3)

950. The Revised Standards for Investigation and Management of Child Abuse Cases (described in paragraph 696 of the First Report) were revised to include all child protection cases. These standards provide direction to Children's Aid Societies in Ontario. These authorities are also required to use a new standardized Risk Assessment Model.

951. The Ministry of Education developed a Violence Free Schools Policy (1994), which requires schools to work towards ensuring that the school environment is physically and socially safe, and that achievement and wellness are fostered for all students.

Right to life, survival and development (Article 6) Respect for views of the child (Article 12)

952. The Office of the Chief Coroner has established the Pediatric Review Committee to monitor the deaths of children where there are questions regarding possible criminal activity or the quality of medical or life care received.

953. The *Health Care Consent Act, 1996* (replacing the *Consent to Treatment Act, 1992*), establishes the right of people in Ontario to make informed decisions about their own health treatment and admission to regulated care facilities, if mentally capable of doing so, regardless of age. The rights of children under the age of 16 with respect to admission to secure treatment facilities or administration of psychotropic drugs are outlined in the *Child and Family Services Act*.

954. Regulation 461/97 under the *Education Act* ensures that students have an opportunity to influence decisions that affect them by stipulating that every school board has one (or more) pupil representatives.

955. Under the *Ministry of Correctional Services Act*, a young person in custody has the right to express views on significant decisions, including changes to their individualized Plan of Care, medical treatment, education, religion, training or work programs and transfer to another place of detention or custody.

956. Children may make complaints of discrimination and harassment to the Ontario Human Rights Commission through an appropriate representative.

Civil rights and freedoms

Freedom of thought, conscience and religion (Article 14)

957. Under the *Ministry of Correctional Services Act*, young persons in custody have the right to receive religious instruction and participate in religious activities of their choice, subject to any rights that parents may have to direct the young person's religious upbringing.

958. The *Human Rights Code* prohibits discrimination against children on the basis of creed. Children cannot be forced to accept or comply with religious beliefs or practices and measures may be required to facilitate the practice of religious observances.

Protection of privacy (Article 16)

959. The *Ministry of Correctional Services Act* provides a young person in custody the right to reasonable privacy, including the right to have possession of personal property, to send and receive private mail subject to a limited number of public safety or security concerns, and to speak in reasonable privacy with visitors.

Access to appropriate information (Article 17)

960. Ontario's public libraries continue to support a child's right to seek and receive information and ideas in a broad range of formats, including materials, programs, services and personalized staff assistance. There is no membership fee for any of Ontario's public libraries. A wide range of publishers, including publishers of children's books, was made eligible for support from the government through a provincial tax credit announced in May 1997.

961. The government continued to fund cultural agencies such as TVOntario and the Ontario Film Development Corporation to encourage and support the distribution of information and materials of social and cultural benefit to all Ontarians, including children.

962. A number of educational initiatives co-ordinated through the Ontario Women's Directorate focused on youth, including:

- a sexual assault prevention campaign;
- videos designed to prevent sexual harassment and other violence-related activities in the classroom and in relationships;
- priority funding to not-for-profit organizations to support innovative projects that prevent violence against women and their children, promote the economic self-sufficiency of women and girls, and facilitate the transition from crisis to economic independence;
- funding to women's centres;
- development of a guide to government programs and services for women and girls.

Family environment and alternative care

Parental guidance (Article 5)

963. The *Ministry of Correctional Services Act* permits parents of children in custody to retain the rights they may have to make decisions regarding their children's education, religious upbringing and medical treatment.

964. The *Education Act* requires that school boards establish school councils in the schools in their jurisdiction. According to ministry policy, their role is to provide advice to principals and boards on a wide range of issues including school environment, codes of student behaviour and other local priorities. The ministry policy requires that parents form the majority membership of school councils.

Parental responsibilities (Article 18)

965. The government continued to support prevention and early intervention services that promote healthy child development. These include universal screening at birth for risk and home visiting services, community development programs, homemaker services through Children's Aid Societies, counseling services, child nutrition programs, supports to teen mothers, intensive early intervention services for children with autism and preschool speech and language programs.

966. New mediation and positive parenting programs in the family courts assist separating or divorcing parents to focus on the best interests of their children.

Separation from parents (Article 9)

967. Where parents live separately, the parent without custody continued to be entitled to visiting rights unless a court order or private agreement provides otherwise. Judicial determinations of visiting rights are based on the best interests of the child.

968. The *Children's Law Reform Act* provides for supervision of custody or access where appropriate. The Supervised Access Program of the Ministry of the Attorney General funded 15 not-for-profit centres providing a safe, neutral, child-focused environment for supervised visits and exchanges between a child and a non-custodial family member.

969. Ontario proposed new family court rules which will give child protection cases priority, to ensure that all children are given safe, secure, permanent care as soon as possible.

Recovery of maintenance for the child (Article 27)

970. The *Family Responsibility and Support Arrears Enforcement Act, 1996* has replaced the *Family Support Plan Act*. In addition to the automatic deduction of support from payor's wages, enforcement measures included reporting defaulting payors to credit bureaus, suspending drivers' licenses and intercepting lottery winnings of defaulting payors.

971. A regime for agreements to reciprocally enforce support orders continued to exist under the *Reciprocal Enforcement of Support Orders Act*. At present, Ontario has agreements with all other provinces, 40 American states and 30 other jurisdictions.

Abuse and neglect (Article 19)
Recovery and reintegration (Article 39)

972. Since 1994, about \$100 million has been spent annually to support programs to address and prevent violence against women and children, including:

- emergency shelters, transition and safe homes and family resource centres for abused women and their children;
- community counseling, outreach and referral services for assaulted women and their families;
- training of health professionals and service providers who support abused women and children;
- school-based services for children who witness violence, and post-secondary pilot projects to address all forms of violence against women and girls; and
- \$27 million in new funding over four years for the Prevention of Violence Against Women: Agenda for Action-a framework for combating violence and providing support to abused women and their children.

973. Both adults and children who have been victims of violence or abuse benefit from the following programs funded by the Ministries of the Solicitor General and Correctional Services:

- Sexual Assault Centres, which assist women who are victims of sexual violence or past survivors of sexual abuse, and report suspected child abuse;
- Victim Crisis Assistance and Referral Services, which provide short-term assistance for victims, prior to referral to community services for longer-term support;
- Victims of Violence program, which provides female offenders (both adults and young offenders) who have been victims of violence with information on the effects of abuse and on available community resources; and
- Victim Support Line - a province-wide toll-free information line that provides a range of services in English and French to victims of crime of all ages.

974. The Ontario Provincial Police provided a range of services to address situations of violence, abuse and neglect:

- street-proofing, crime-reporting and peer resolution programs in schools;
- a Community Policing and Development Centre to help children understand and express experiences of child abuse and other forms of abuse;

- support for young parents in crisis;
- a background checks program to help social service agencies identify volunteers who may not be well-suited to work with vulnerable groups;
- a Regional Abuse Co-ordinator who assists field locations to investigate and respond to victims of abuse; and
- police training on child abuse and neglect and domestic violence through the Ontario Police College.

Periodic review of placement (Article 25)

975. Accountability concerning the treatment and conditions of confinement of young offenders in detention or custody is provided through an extensive variety of monitoring mechanisms and processes.

976. Young offenders have a number of complaint avenues available to them. For example, the *Ministry of Correctional Services Act* provides for a review process to respond to complaints by young persons in detention or custody, their parents or other persons representing them. A Custody Review Board provides young persons with a venue to review decisions regarding their detention or custody. The Office of Child and Family Service Advocacy (Advocate's Office) ensures that young offenders have access to advocacy. The Independent Investigations Unit investigates allegations of sexual impropriety by young persons in Ministry of Correctional Services' institutions and facilities.

Basic health and welfare

Children with disabilities (Article 23)

977. Through a new "Making Services Work for People" initiative, government is working with community groups, service agencies, volunteers, families and parents to improve Ontario's system of services for children and people with developmental disabilities. The initiative focused on better co-ordination of information, integration of services and early intervention. Each community will have to meet standard requirements to improve the way services work for people.

978. The *Substitute Decisions Act* protects those 16 years of age and older who are deemed mentally incapable in matters related to their personal care. The Act provides safeguards against undue state intervention and outlines the process whereby substitute decision-makers can be appointed if incapacity is established. The rights of children under the age of 16 with respect to admission to secure treatment facilities or the administration of psychotropic drugs are provided for in the *Child and Family Services Act*.

979. Mental health services for children and adolescents are provided through public hospitals, psychiatric hospitals, emergency departments, family service programs, community-based mental health and addictions programs, and psychiatrists and family

physicians through fee for service with the Ontario Health Insurance Plan. The *Mental Health Act* protects patients in psychiatric facilities and provides for rights advisors to monitor admissions, findings of incapacity or mental incompetence.

980. Ministry of Health and Long-Term Care programs for children's mental health include the 21 public hospitals receiving funding for out-patient services, the 4 public hospitals with psychiatric inpatient units for children and/or adolescents as well as a Mental Health Centre program specific to adolescents.

981. Changes to regulations under the *Education Act* require Individual Education Plans for exceptional students. Special needs programs and support services in schools are financed from a fund protected exclusively for this purpose. This guarantees access by special needs students throughout the province to an equal level of services. Ontario continues to make investments in adaptive technology to ensure that children with disabilities have access to education and services. Ontario maintains a system of provincial and demonstration schools that provide intensive support in a residential setting.

Health and health services (Article 24)

982. Ontario has a province-wide network of prevention and early support services for families to give children a better start in life. Since the First Report, a number of significant initiatives have been undertaken to promote the health of children and youth, including:

- a revision of the mandatory health programs and services guidelines (referred to in paragraph 794 of the First Report);
- \$67 million annually for Healthy Babies, Healthy Children to improve well-being and long term prospects of all children in Ontario;
- a \$20 million Preschool Speech and Language Initiative, enhancing speech and language services for children from birth to school entry. Children at risk of speech and language delays and those with communication disorders are being identified as early as possible (target age is less than 2 years) and appropriate interventions are provided;
- \$5 million annually to the Better Beginnings, Better Futures program, which provides prevention services to over 5,000 high-risk families in eight economically disadvantaged communities. Programming includes home visiting, child care, drop-in centres, recreational activities, parent training and support groups and breakfast/lunch programs;
- continuation of the community Best Start program to reduce the incidence of low birth-weight (referred to in paragraph 795 of the First Report); and
- a broad range of primary care and health education services for children, youth and people of all ages offered by Community Health Centers.

983. The Ontario elementary education curriculum provides students with the knowledge and skills they need to develop, maintain and enjoy good health and well being.

984. The Ontario Human Rights Commission's policy on discrimination because of pregnancy was released in 1996.

985. The Commission has also taken steps to address the issue of female genital mutilation, raised during the United Nations' Fourth World Conference on Women in Beijing in 1995. Because of the increase in immigration to Ontario from regions where the practice persists, the Commission has been made aware that girl children from affected communities are at risk in Ontario. The Commission undertook extensive research and in 1996, released a policy on the human rights implications of the practice.

Social security and childcare services and facilities (Articles 18, 26)

986. Child care services in Ontario are a shared provincial-municipal responsibility. The Ministry of Community and Social Services sets provincial standards, while delivery of child care services is provided through 47 consolidated municipal service managers.

987. Ontario currently uses its portion of the National Child Benefit reinvestment to help fund the new Ontario Child Care Supplement for Working Families to support up to 370,000 young children in working families. Ontario municipalities are implementing their own initiatives as part of the overall Ontario National Child Benefit reinvestment strategy in ways that meet their local needs and priorities.

Standard of living (Article 27)

988. To ensure children in financial need receive more support from parents, Ontario adopted new legislation providing guidelines for the courts in awarding child support. Children continue to be a priority in the determination of what assistance is provided under Ontario's social assistance legislation. Special benefits for children include dental, drug and vision, special diet, and a back to school and winter clothing benefit.

989. Under the *Ontario Works Act, 1997* and regulations, dependent children are included as part of the benefit unit in the calculation of financial assistance for the Ontario Works applicant or participant. The Ontario Works program further provides for a range of accessible child care supports for participants who are engaged in mandatory employment assistance activities. The supports and activities are intended to maximize employment and training opportunities that will help transition parents from social assistance to paid employment and self sufficiency.

990. One such opportunity is the Learning, Earning and Parenting program (LEAP). LEAP is a targeted strategy of Ontario Works Employment Assistance designed for parents on social assistance aged 16 to 21 years of age who have not completed high school. LEAP was designed to encourage young parents on social assistance to complete high school and to develop parenting skills, which will support healthy child development.

991. The *Housing Development Act* and the *Ontario Housing Corporation Act* form the statutory basis for the building and operating of social housing units for persons and families on social assistance, or who have limited incomes. Children of such families benefit from the housing units, which were created under these statutes. Children in needy families are therefore housed, or have their housing subsidized, through the Ontario Housing Corporation (the province's public housing agency with 98,000 units) or in community-based non-profit groups that provide an additional 104,000 units of rent geared-to-income housing.

Education, leisure and cultural activities

Education, vocational training and guidance (Article 28)

992. Ontario is engaged in comprehensive reform of secondary education that will include:
- greater student mobility across educational experiences;
 - prior learning assessment, recognition and cross-accreditation to ensure portability of credits between programs, institutions and workplaces;
 - development of a new framework for approving apprenticeship classroom training offered in colleges and private-sector training institutions;
 - a new teacher-advisor program to monitor academic performance, help optimize course and student selection, and act as key school contacts for parents;
 - annual education plans for all students in grades 7-12; and
 - regular monitoring of guidance and career education programs.
993. Financial assistance is provided to post-secondary students through provincially- funded grants and loans.
994. The Learning Opportunities Task Force provides assistance to students with learning disabilities through pilot projects involving 13 colleges and universities.
995. The Learning, Earning and Parenting program assists single parents to complete their secondary diploma requirements and continue on to post-secondary education.
996. Assistance for students at risk of not achieving educational goals is provided through a Learning Opportunities Grant for students facing social or economic barriers. This grant funds such programs as reading recovery, counseling and summer school.

Aims of education (Article 29)

997. The Ontario curriculum incorporates the goals of education identified in Article 29 of the Convention. Students learn about Canada and the role of citizens within a democratic society and a culturally diverse and interdependent world.

998. In 1995, the Ontario Human Rights Commission, in co-operation with the Ministry of Education, released a package of materials entitled *Teaching Human Rights in Ontario*, to assist secondary school teachers in promoting respect for human rights.

999. Information about the Ontario *Human Rights Code* is available to students across Canada via the Internet on the “*SchoolNet*” service and by way of the Commission’s own Web site launched in 1996.

Leisure, recreation and cultural activities (Article 31)

1000. The government has made the participation of children and youth a priority in its Amateur Sport Strategy and in its funding programs supporting the creation of recreation opportunities. The government has issued a policy position entitled “Recognition Criteria for Children’s Recreation Services” that highlights the importance of recreation to healthy child development.

1001. The Ministry of Citizenship, Culture and Recreation is funding the development of quality improvement processes that allow community recreation providers to measure the age appropriateness and overall suitability of recreation programs for school age children.

Special protection measures

Children in situations of emergency and refugee children (Article 22)

1002. The children of qualifying non-nationals have access to the same financial and health benefits as dependent children of other social assistance recipients, including extraordinary costs related to a child’s severe disability if the parent meets the income test.

Children in conflict with the law and administration of juvenile justice (Article 40)

1003. The Ontario Government has set up a Justice for Children and Youth Legal Clinic to represent to low-income children and youth facing conflicts with the legal, educational, social service or mental health systems.

1004. Child Friendly Courts specialize in cases involving child witnesses and offer support, counseling and building features that reduce the traumatic effects of having to appear in a criminal trial.

1005. The *Ontario Evidence Act* provides that a person of any age is presumed to be competent to give evidence. The Act also provides a number of protections for child-witnesses, including videotaped closed circuit television, or behind-screen testimony; support persons; and protections against personal cross-examination.

1006. The Ontario Police College trains all recruits on the *Young Offenders Act* and the rights of young persons. Police services also have special procedures for advising young persons of

their rights, and for taking statements. A protocol developed by the Ministry of the Solicitor General, the Ministry of Correctional Services and the Ministry of the Attorney General ensures that young offenders are advised of their right to contact the Child Advocate with their concerns.

1007. Early intervention programs funded through the Ministry of the Solicitor General and the Ministry of Correctional Services have been designed to improve police-youth relations and provide direct interaction such as counseling, diversion, and sports activities.

Children deprived of their liberty (Article 37)

1008. Ontario's correctional system is going through an extensive change that will fundamentally alter the way in which services are delivered to inmates. These changes have been implemented with a focus on re-balancing the corrections system to reflect the rights of victims and to institute a meaningful consequence for offenders. To this end, the government is currently in the process of replacing its aging adult facilities with modern, more humane institutions. As well, a strict discipline project, aimed at reducing recidivism and specifically tailored to 16 and 17 year-old male repeat offenders, is currently underway. A structured program regimen emphasizing work skills and education has also been established throughout the young offender system.

1009. Young offenders are segregated from adult offenders wherever possible. They receive the care and services necessary to afford them the opportunity to assume responsibility for their actions. Care has been enhanced by centralized young offender assessment, treatment, classification, placement and transfer facility and the establishment of the Office of the Provincial Co-ordinator of Assessment, Placement and Transfer for the Young Offender Secure Custody System.

1010. A Case Management System ensures responsible management of young persons in custody. Rights of young offenders are set out in the *Ministry of Correctional Services Act*, and include:

- a prohibition against corporal punishment;
- meals that are well balanced, of good quality and appropriate for the young person;
- clothing that is of good quality and appropriate for the young person given the young person's size and activities and prevailing weather conditions;
- necessary medical and dental care at regular intervals and whenever required, in a community setting whenever possible;
- appropriate educational, training or work programs, in a community setting whenever possible;

- recreational and athletic activities that are appropriate for the young person's aptitudes and interests, in a community setting whenever possible;
- internal complaint and review procedures;
- participation in significant decisions affecting the young person's care in custody;
- individualized Plans of Care to meet the individual needs of the young person in custody within a reasonable time; and
- the role/rights of parents, family or significant others of the young person's choice.

1011. A Directive entitled *Response to Young Offenders at Risk of Suicide* prescribes procedures for the early identification and safe management of potentially suicidal young persons in custody. The procedures identified are consistent with the fundamental principles of: using the least intrusive intervention necessary to safeguard the well being of young persons; and respecting their right to be consulted on any decisions affecting them.

Children in situations of exploitation and economic exploitation (Article 32)

1012. Working students under 18 years of age are guaranteed a student minimum wage. Preliminary discussions have begun to incorporate labour-related components, such as health and safety, workers' compensation and employment standards, into the secondary school curriculum.

Drug abuse (Article 33)

1013. The Ministry of Health funds substance abuse prevention programs designed specifically for children, youth, and young adults as well as treatment programs for both youth and young adults.

1014. The Ontario school curriculum includes a component on substance abuse.

Sexual exploitation and sexual abuse (Article 34)

1015. The school curriculum is designed to support the prevention of violence against women and child abuse, including sexual exploitation/abuse.

1016. Resources and professional development on violence against women and child abuse are available to school boards on a range of issues, including violence prevention programs; sexual harassment; violence in dating relationships; healthy relationships; violence and gender stereotyping in the media; and the impact on children who witness violence.

1017. The Ministry of Health and Long-Term Care funds specific Sexual Assault Treatment Centres for children at several hospitals. At other hospitals the Sexual Assault Treatment Centres, while not specific for children, do provide nursing and physical care and referral.

Children belonging to a minority or an indigenous group (Article 30)

1018. The Aboriginal Policy Framework, which was approved in 1996, guides Ontario's approach to the delivery of programs and services to, and its relations with, Aboriginal people.

1019. Ontario continues to work towards ensuring that Aboriginal people have better access to health services.

1020. An Aboriginal Healing and Wellness Strategy is in place to address the immediate and long-term impacts of family violence in Aboriginal communities and to improve the health status of Aboriginal people. The Strategy includes specific initiatives directed toward children and youth, including 2 youth solvent abuse treatment centers and crisis intervention teams to ensure the safety of children and youth.

1021. The Ontario Provincial Police deliver Youth Empowerment courses to enhance the self esteem of Aboriginal youth by increasing their knowledge of Aboriginal culture, health, spirituality, and contributions made by Aboriginals to society at large.

1022. Directives from the Ministry of Correctional Services ensure provincial correctional facilities provide spiritual care to Aboriginal peoples in a manner that recognizes and encourages their religious traditions, and accords Aboriginal spirituality and practices the same status and protections afforded to other religions.

1023. Education policies and programs enable Aboriginal students to enhance their cultural awareness and improve their use of Aboriginal languages through study, practice and communication. The Ministry of Education supports three alternative schools housed within Native Friendship Centres where native students at risk of dropping out of school can obtain their schooling in a culturally supportive environment. Ontario also supports 5 native post-secondary institutes, which, in co-operation with colleges of applied arts and technology and universities, offer credit courses within native communities as a bridge to post-secondary study outside the community.

1024. The Ontario Minister Responsible for Native Affairs worked with provincial and territorial leaders and Aboriginal Leaders on the development of a National Aboriginal Youth Strategy.

1025. Ontario has established 12 French-language school boards and authorities to administer French-language education throughout the province. In addition, there are 4 French-language colleges of applied arts and technology and 4 bilingual universities.

QUÉBEC

1026. The following report has been prepared using the plan proposed by the General Guidelines of the United Nations Committee on the Rights of the Child (CRC/C/58). Information in the first report which continues to be valid has not been repeated.