Submission for Review of Canada’s 21-23th Periodic Review under ICERD

 Prepared by the Canadian Coalition for the Rights of Children

 Submitted July 5, 2017

Introduction

The Canadian Coalition for the Rights of Children (Coalition) is a national umbrella group of agencies and individuals with a mandate to promote respect for and implementation of children’s rights in Canada. While a primary focus is monitoring implementation of the Convention on the Rights of the Child, the Coalition also provides input on related matters under other international human rights treaties. In this case the Coalition would like to draw the committee’s attention to elements of Canada’s report that overlap with recommendations Canada has received elsewhere regarding related rights of children.

**II. Over-arching Implementation Considerations**

**Data collection and analysis**:

While lists of specific initiatives by selected provinces are informative, the lack of data about the situation of the rights holders throughout the report makes it difficult to assess progress on continuing issues of discrimination and vulnerability of children from indigenous and minority racial groups, issues that have also been identified for action in reviews under the Convention on the Rights of the Child.

Data gaps include disaggregated data about the situation of minority children, analysis of the factors contributing to over-representation of some groups, such as African Canadian and indigenous children in child welfare and criminal justice systems, and outcome data to measure the results of specific initiatives.

The Concluding Observations from the 2012 review of implementation of the Convention on the Rights of the Child also called on Canada to urgently address discrimination against Africa-Canadian and Indigenous children in several areas of public services. It is difficult to measure progress because of major gaps in data collection and analysis.

Given that Canada has received previous recommendations with regard to data collection from various treaty bodies, the Coalition recommends that Canada be asked to provide an interim report on specific measures that it is taking to improve the quality of data and analysis for monitoring progress toward the realization of the rights Canadians have under ICERD.

III. Paragraphs 25 – 29: **Ethnocultural Groups – Education**

While some provinces have undertaken specific initiatives worthy of note, the Coalition would like to draw the committee’s attention to the reality that most children in Canada are not informed about their rights or how to exercise rights-respecting relationships, which is basic for realization of the rights under ICERD. There is no consistency in provincial curricula with regard to human rights education; only a few provinces have any requirements; and most do not include implementation of international human rights treaties in Canada.

The Coalition recommends that the committee reinforce the importance of teaching children how to exercise rights-respecting relationships as the most basic foundation for realizing ICERD in Canada and require more specific action to inform Canadians about their rights under international treaties and their implementation in Canada.

**III. Paragraph 55 – 57: Children in Canada’s Asylum System**

The reduction in the number of children being held in detention centers is progress, but it is not enough. Alternatives to placements in detention centers should be available for all children. While Canada’s report claims that the Best Interest of the Child principle is applied through the immigration and refugee determination system, it is not clear how determination of best interests is done and by whom.

The Coalition recommends that the committee urge Canada to consistently use the UNHCR Guidelines for the determination of the Best Interest of the Child in all immigration and refugee cases.

**IV. Paragraph 135: Indigenous Peoples – Jordan’s Principle**

In May 2017 the Canadian Human Rights Tribunal issued its fourth ruling relating to Jordan’s Principle. The ruling clearly states that the extremely narrow definition used by Health Canada to implement previous rulings is a continuing violation of the Best Interests of the Child, which lies at the heart of Jordan’s Principle. In addition, it shows that the design of the implementation program takes no account of the rights of the children involved. As such, the ruling provides evidence of continuing discrimination against indigenous children and the failure of the coordinating mechanisms that Canada cites as adequate mechanisms to implement human rights obligations.

The Coalition recommends that the committee ask Canada to take action on both the specific issue and the systemic level:

1. fully implement Jordan’s Principle on an urgent basis to end discrimination against indigenous children in the provision of all public services and provide an interim report with outcome data to show compliance.
2. strengthen the systemic mechanisms for implementing human rights throughout federal departments and with provinces so that they have enough authority and influence in the decision-making process to be effective. Systemic change is essential in order for young people and members of minority communities to have confidence that their rights are taken seriously in Canada.

For further information, please contact Kathy Vandergrift, Chair

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