



March 10, 2014

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The Right Honourable Stephen Harper, P.C., M.P.
Prime Minister
Langevin Building
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The Honourable John Baird, P.C., M.P.
Minister of Foreign Affairs
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The Honourable Peter MacKay, P.C., Q.C., M.P.
Minister of Justice and Attorney General of Canada
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The Honourable Shelly Glover, P.C., M.P.
Minister of Canadian Heritage
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The Honourable Rona Ambrose, P.C., M.P.
Minister of Health
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Dear Prime Minister and Ministers:

Re: UN Convention on the Rights of the Child

I write on behalf of the Canadian Bar Association (CBA) to enjoin the Government of Canada to make a detailed action plan to effectively implement the UN Convention of the Rights of the Child (UN CRC). The Concluding Observations of the UN Committee on the Rights of the Child (UN Committee) constitute a road map that could prove transformational in improving the lives of Canadian children. We urge you to follow this in tabling a detailed Government Action Plan.

The CBA is a national association of over 37,500 lawyers, law students, Québec notaries and law teachers. Our primary objectives include improvement in the law and the administration of justice, promoting the rule of law and public respect for the law and legal process.

In October 2012 the Canadian government received the Concluding Observations of the UN Committee on Canada's Third and Fourth Reports on the UN CRC. We were pleased that government representatives repeated the strong commitment to fulfill all of Canada's obligations under the UN CRC in the review process. This commitment follows from Canada's role as a key proponent and one of the first states to sign the UN CRC (ratified in 1991), one of the most universally ratified UN

treaties. Canada's commitment to fulfill its obligations under the UN CRC includes recognition of a special obligation to Indigenous peoples of Canada and Indigenous children in particular.

The UN Committee's Concluding Observations followed a careful examination of government reports and evidence submitted by other experts including Canadian organizations who work with children across the country. The Concluding Observations contained serious criticisms of Canada's failure to more fully implement the Convention and provided detailed and general recommendations for areas of significant improvement. More specifically, the UN Committee expressed to Canada its concerns with the lack of national implementing legislation for the UN CRC. It pointed to the need for a National Children's Commissioner.¹ It expressed concern over a need for better data collection and monitoring of child wellbeing. It also expressed grave concern that s.43 of the *Criminal Code* continues to condone corporal punishment of children. Perhaps most urgently, the UN Committee urged Canada to take measures to curb the over-representation of aboriginal and African-Canadian children in custodial and out of home care settings.² While certain of these recommendations address matters within provincial jurisdiction, the Federal government remains obligated to show leadership in the areas in which it can effect change and to work in partnership with provinces and territories in others.

The Government of Canada has had over a year to consider the recommendations of the UN Committee. The CBA's governing Council passed a resolution asking government to follow the road map that these recommendations provide at its August 2013 meeting.

The CBA, and in particular our Children's Law Committee, would welcome a chance to meet with you to discuss how we can help achieve these goals. I look forward to hearing from you soon.

Yours truly,



Fred Headon

¹ CRC/C/15/Add.215, para. 14, 2003

² The full text of these Concluding Observations can be accessed online at http://rightsofchildren.ca/wp-content/uploads/Canada_CRC-Concluding-Observations_61.2012.pdf