

COMMITTEE ON THE RIGHTS OF THE CHILD
34th session

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

**Concluding Observations of the Committee on
the Rights of the Child: CANADA**

1. The Committee considered the second report of CANADA (CRC/C/83/Add.6), at its 894th and 895th meetings (see CRC/C/SR.894 & 895), held on 17 September 2003, and adopted at the 918th meeting, held on 3 October 2003, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's second periodic report and the detailed written replies to its list of issues (CRC/C/Q/CAN/2), which give updated information on the situation of children in the State party. However, the submission of a synthesis report based on both federal and provincial reports would have provided the Committee with a comparative analysis of the implementation of the Convention; and a more coordinated comprehensive picture of the valuable measures adopted by Canada to implement the Convention. It further notes with appreciation the high level delegation sent by the State party and welcomes the positive reactions to the suggestions and recommendations made during the discussion.

**B. Follow-up measures undertaken and
progress achieved by the State party**

3. The Committee is encouraged by numerous initiatives undertaken by the State party and it looks forward to the completion of the National Plan of Action for Children which will further structure such initiatives and ensure their effective implementation. In particular the Committee would like to note the following actions and programmes:
 - National Children Agenda;
 - National Child Benefit;
 - The establishment of Secretary of State for Children and Youth;
 - The Federal- Provincial- Territorial Council of Ministers on Social Policy Renewal;
 - Social Union Framework Agreement;
 - Enactment of Bill C-27 amending Criminal Code;
 - Canada School Net;
 - Gathering Strength: Canada's Aboriginal Action Plan;

- The constructive role played by CIDA to assist developing countries in fulfilling the rights of their children and the declaration by the Head of the delegation that Canada will double the money it spends on international aid by 2010.

C. Principal areas of concern and recommendations

1. General Measures of Implementation (arts. 4, 42 and 44, paragraph 6 of the Convention)

The Committee's previous recommendations

4. The Committee while noting the implementation of some of the recommendations (CRC/C/15/Add.37 of 20 June 1995) it made upon consideration of the State party's initial report (CRC/C11/Add.3), it regrets that the rest have not been, or have been insufficiently addressed, particularly those contained in: para. 18, referring to the possibility of withdrawing reservations; para. 20, with respect to data collection; para. 23 related to ensuring that the general principles are reflected in domestic law; para. 24, related to implementation of art. 22; para. 25 suggesting the review of penal legislation which allows corporal punishment. The Committee notes that those concerns and recommendations are reiterated in the present document.
5. **The Committee urges the State party to make every effort to address those recommendations from the concluding observations of the initial report that have not yet been implemented and to provide effective follow-up to the recommendations contained in the present concluding observations on the second periodic report.**

Reservations and declarations

6. The Committee notes the efforts of the Government towards the removal of the reservation to article 37 (c) of the Convention but regrets the rather slow process and even more so the statement made by the delegation that the State party does not intend to withdraw its reservation to article 21. The Committee reiterates its concern with respect to the reservations maintained by the State party to articles 21 and 37(c).
7. **In light of the 1993 Vienna Declaration and Programme of Action the Committee urges the State party to reconsider and expedite the withdrawal of the reservations made to the Convention. The Committee invites the State party to continue its dialogue with the Aboriginals with a view to the withdrawal of the reservation to article 21 of the Convention.**

Legislation and implementation

8. The Committee notes that the application of a considerable part of the Convention falls within the competence of the provinces and territories, and is concerned that this may lead, in some instances to situations where the minimum standards of the Convention are not applied to all children due to differences at the provincial and territorial level.

- 9. The Committee urges the Federal Government to ensure that the provinces and territories are aware of their obligations under the Convention and that the rights in the Convention have to be implemented within all the provinces and territories through legislation and policy and other appropriate measures.**

Co-ordination, monitoring

10. The Committee notes with satisfaction the launching in 1997 of the “National Children’s Agenda” multi-sectoral initiative and the creation of the position of Secretary of State for Children and Youth. However, the Committee remains concerned that neither the Continuing Committee of Officials on Human Rights nor the Secretary of State for Children and Youth are specifically entrusted with coordination and monitoring of the implementation of the Convention.
- 11. The Committee encourages the State party strengthen effective coordination and monitoring, in particular between the Federal, provincial and territorial authorities in the implementation of policies for the promotion and protection of the child, as it previously recommended (CRC/C/15/Add.37 para. 20), with a view to decreasing and eliminating any possibility of disparity or discrimination in the implementation of the Convention.**

National Plan of Action

12. The Committee notes the introduction in January 1998 of the “Gathering Strength: Canada’s Aboriginal Action Plan” and is encouraged by the preparation of a National Plan of Action in accordance with the Convention on the Rights of the Child and the final outcome document of United Nations General Assembly Special Session on Children “ World Fit For Children). It is also encouraged by Canada’s conviction that actions in this respect must be in conformity with the Convention.
- 13. The Committee encourages the State party to ensure a coherent and comprehensive rights based National Plan of Action; targeting all children especially the most vulnerable groups including aboriginal, migrant and refugee children; with a division of responsibilities, clear priorities, time-table and preliminary allocation of necessary resources in conformity with the Convention at the Federal, provincial, territorial and local levels in cooperation with civil society. It also urges the Government to designate a systematic monitoring mechanism for the implementation of the National Plan of Action.**

Independent Monitoring

14. The Committee notes that eight Canadian Provinces have an Ombudsman for Children but is concerned that not all of them are adequately empowered to exercise their tasks as fully independent national human rights institutions in accordance with the Paris Principles (G.A. res. 48/134 of 20 December 1993). Furthermore, the Committee regrets that such an institution at the Federal level has not been established.
- 15. The Committee recommends that the State party establish at the Federal level an Ombudsman’s Office responsible for children’s rights, and ensure appropriate funding for its effective functioning. It recommends that such**

offices are established in the provinces that have not done so, and in the three territories where a high proportion of vulnerable children live. In this respect the Committee recommends that the State party take fully into account the Paris Principles and the Committee's General Comment No. 2 on the Role of National Human Rights Institutions.

Allocation of resources

16. The Committee welcomes the information provided in the Report relating to the Government of Canada's contribution to the fulfillment of the rights of the child through allocating resources to a number of initiatives and programs notably; National Child Benefit System (NCB) aimed at improving the well-being of Canadian children living at risk with an objective of preventing and reducing child poverty. However, the Committee reiterates concerns expressed by the Committee on Economic, Social and Cultural Rights (E/C.12/1/Add.31 para. 22) and the Human Rights Committee (CCPR/C/79/Add.105 paras. 18, 20) related to modalities of implementing the NCB in some provinces.
- 17. The Committee invites the State party to use its regular evaluation of the impact of the National Child Benefit System and its implementation in the provinces and territories with a view to reviewing the system to further eliminate any negative or discriminatory effects it may have on certain groups of children.**
- 18. The Committee recommends that the State party pay particular attention to the full implementation of article 4 of the Convention by prioritizing budgetary allocations to ensure implementation of the economic, social and cultural rights of children, in particular those belonging to marginalized and economically disadvantaged groups, "to the maximum extent of... available resources". The Committee further encourages the State party to clearly state annually its priorities with respect to child rights issues and to identify the amount and proportion of the budget spent on children and especially on marginalized groups, at the Federal, provincial and territorial levels in order to enable the evaluation of the impact of the expenditures on children and their effective utilization. The Committee encourages the State party continue to take measures to prevent children from being disproportionately affected by future economic changes; and to continue its support to NGO's working on the dissemination of the Convention.**

Data collection

19. The Committee values the wealth of statistical data provided in the Annex to the Report and in the appendices to the written replies to the list of issues and welcomes the intention of the State party to establish a Statistics Institute for Aboriginal people. Nevertheless, it is of the opinion that the information is not sufficiently developed, disaggregated and well synthesized for all areas covered by the Convention, and that all persons under 18 years are not systematically included in the data collection relevant to children. The Committee would like to recall its previous concern and recommendation related to information gathering (CRC/C/15/Add.37 para. 20) maintaining that it has not been addressed sufficiently.

20. The Committee recommends that the State party strengthen and centralize its mechanism to integrate and analyze systematically disaggregated data on all children under 18 for all areas covered by the Convention, with special emphasis on the most vulnerable groups (i.e. aboriginal children; children with disabilities; abused and neglected children; street children; children within the justice system; refugee and asylum seeking children). The Committee urges the State party to use these indicators and data effectively for the formulation and evaluation of legislation, policies and programmes for the implementation, resource allocation and monitoring of the Convention.

D3. General principles (arts. 2, 3, 6 and 12 of the Convention)

Non-discrimination

21. The Committee notes positive developments with respect to measures to promote and protect cultural diversity and specific legislative measures, including the Multiculturalism Act, in particular within the residential school system, the Employment Equity Act and the amendment to the Criminal Code introducing racial discrimination as an aggravating circumstance (see also CERD A/57/18, paras 315 – 343). However, the Committee joins the CERD in its concerns in particular as they relate to children, such as those related to the Indian Act; to the extent of violence against and deaths in custody of Aboriginals and people of African and Asian descent; existing patterns of discrimination and expressions of prejudice in the media; that children of migrants with no status have been excluded from the school system, and remains concerned at the persistence of *de facto* discrimination against certain groups of children (see also CERD A/57/18, paras. 332, 333, 335 and 337).

22. The Committee recommends that the State party continue to strengthen its legislative efforts to fully integrate the right to non-discrimination (article 2 of the Convention) in all relevant legislation concerning children and that this right is effectively applied in all political, judicial and administrative decisions and in projects, programs and services which have an impact on all children, in particular children belonging to minority and other vulnerable groups, such as children with disabilities and Aboriginal children. The Committee further recommends that the State party continue to carry out comprehensive public education campaigns and undertake all necessary proactive measures to prevent and combat negative societal attitudes and practices. The Committee requests that the State Party provide further information in its next report on its efforts to promote cultural diversity taking into account the general principles of the Convention.

23. The Committee, while noting reservations expressed by Canada on the Durban Declaration and Programme of Action, recommends that specific information be included, in the next periodic report, on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking account of General Comment no 1 on article 29(1) of the Convention (aims of education).

Best interests of the child (art. 3)

24. The Committee values that the State party upholds the principle of the best interests of the child to be of vital importance in the development of all legislation, programs and policies concerning children, and is aware of the progress made in this respect. However, the Committee remains concerned that the principle of primary consideration for the best interests of the child is still not adequately defined and reflected in some legislation, court decisions and policies affecting certain children especially those facing situations of divorce, custody, deportation as well as aboriginal children. Furthermore, the Committee is concerned that there is insufficient research and training for professionals in this respect.
- 25. The Committee recommends that the principle of “best interests of the child” of article 3 be appropriately analyzed and objectively implemented with regard to various situations of the child, groups of children (e.g. Aboriginal or other status) and integrated in all revisions of legislation concerning children, legal procedures in courts, as well as in judicial and administrative decisions and in projects, programs and services which have an impact on children. The Committee encourages the State party to ensure that research and educational programs for professionals dealing with children be reinforced and that article 3 of the Convention is fully understood and that this principle is effectively implemented.**

D4. Civil rights and freedoms (arts. 7, 8, 13-17, 19 and 37 (a))

Right to identity (art. 7)

26. The Committee is encouraged by the adoption of the new Citizenship of Canada Act facilitating the acquisition of citizenship for children adopted abroad by Canadian citizens. It is equally encouraged by the establishment of the First Nations Child and Family Service (FNCFS) providing culturally sensitive services to Aboriginal children and families within their communities.
- 27. The Committee recommends that the State party take further measures in accordance with article 7 of the Convention, including measures to ensure birth registration and facilitate applications for citizenship, so as to resolve the situation of stateless children. The Committee also suggests the State party ratify the 1954 Convention relating to the Status of Stateless persons.**

D5. Family environment and alternative care (arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4) and 39)

Illicit transfer and non-return (art. 11)

28. The Committee notes with satisfaction that Canada is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction; and notes the concern of the State party that parental abductions of children are a growing problem.

29. **The Committee recommends that the State party apply the Hague Convention to all children abducted to Canada and to encourage States which are not yet a party to the Hague Convention to ratify or accede to this treaty and if necessary conclude bilateral agreements to deal adequately with international child abduction. It further recommends that maximum assistance be provided through diplomatic and consular channels, in order to solve cases of illicit-transfer and non-return of children arising in such States, in the best interests of the children involved.**

Adoption (art. 21)

30. The Committee is encouraged by the priority accorded by the State party to promoting the Hague Convention of 1993 on the Protection of Children and Cooperation in Respect of Intercountry Adoption in Canada and abroad. However, the Committee notes that while adoption falls within the jurisdiction of the provinces and territories, the ratification of the Hague Convention has not been followed-up by legal and other appropriate measures in all provinces. The Committee is also concerned by the fact that certain provinces do not recognize the right of an adopted child to know, as far as possible, her/his biological parents (art. 7).
31. **The Committee recommends that the State party consider amending its legislation to ensure that information about the date and place of birth of adopted children and their biological parents are preserved and made available to these children. Furthermore, the Committee recommends that the Federal Government ensure the full implementation of the Hague Convention of 1993 on the Protection of Children and Cooperation in Respect of Intercountry Adoption throughout its territory.**

Abuse and neglect (art. 19)

32. The Committee welcomes the efforts being made by the state party to promote research on alternative methods of punishment of children, to support studies of the incidences of abuse, to promote healthy parenting and improve understanding on child abuse and its consequences, strongly discouraging corporal punishment. However, the Committee is deeply concerned that the State party has not enacted legislation explicitly prohibiting all forms of corporal punishment and has taken no action to remove section 43 of the Criminal Code which allows corporal punishment.
33. **The Committee recommends that the State party adopt legislation to remove the existing authorization of the use of “reasonable force” in disciplining children and explicitly prohibit all forms of violence against children, however light, within the family, in schools and in other institutions where children may be placed.**

**D6. Basic Health and Welfare
(art. 6, 18 para 3, 23, 24, 26, 27 paras 1-3)**

Health and health services (art. 24)

34. The Committee is encouraged by the commitment of the Government to strengthen health care for Canadians by, i.a., increasing the budget and focusing on Aboriginal Health Programs. However, the Committee is concerned at the fact acknowledged by the State party that the relatively high standard of health is not shared equally by all Canadians and notes that provincial and territorial equal compliance is a matter of concern, in particular as regards universality and accessibility in rural and northern communities and for children in Aboriginal Communities. The Committee is particularly concerned at the disproportionately high prevalence of the sudden infant death syndrome (SIDS) and fetal alcohol syndrome disorder (FASD) among Aboriginal children.
35. **The Committee recommends that the State Party undertake measures to ensure equal enjoyment of all children with the same quality of health services, with special attention to indigenous children and children in rural and remote areas.**

Adolescent Health

36. Committee is encouraged by the average declining trend of infant mortality rates in the State party, but is deeply concerned at the high mortality rate among the Aboriginal population and the high rate of suicides and substance abuse among youth belonging to this group.
37. **The Committee suggests that the State party continue to give priority to studying possible causes of youth suicide and the characteristics of those who appear to be most at risk and take steps as soon as practicable to put in place additional support and prevention and intervention programs, be it in the field of mental health, education, employment or another field, which could reduce this tragic phenomenon.**

Social security and childcare services and facilities (art. 26, 18 (3))

38. The Committee welcomes measures taken by the Government to provide assistance to families through expanded parental leave, increased tax deductions, child benefits and specific programs for Aboriginal people. The Committee nevertheless is concerned at reports related to the high costs of childcare, paucity of spaces and lack of national standards.
39. **The Committee encourages the State party to undertake a comparative analysis at the provincial and territorial levels with a view to identifying the variations of child care provisions and their impact on children and to devise a coordinated approach to ensure quality child care is available to all children, regardless of their economic or geographic status.**

Standard of living (art. 27 paras 1-3)

40. The Committee is encouraged that homelessness was made a research priority by the Canada Mortgage and Housing Corporation, as the sources of data are limited. However, the Committee shares the concerns of the Committee on Economic, Social and Cultural Rights (E/C.12/1/Add.31 paras. 24, 46) which noted that the mayors of Canada's 10 largest cities have declared homelessness a national disaster and urged

the State party to implement a national strategy for the reduction of homelessness and poverty.

41. The Committee reiterates its previous concern related to the emerging problem of child poverty and shares the concerns expressed by the Committee on the Elimination of all Forms of Discrimination Against Women, related to economic and structural changes and deepening poverty among women, particularly affecting single mothers and other most vulnerable groups, and the ensuing impact this may have on children.
42. **The Committee recommends that further research be carried out to identify the causes of the spread of homelessness, particularly among children, and any links between homelessness and child abuse, child prostitution, child pornography and trafficking in children. The Committee encourages the State party to further strengthen the support services it provides to homeless children while taking measures to reduce and prevent the occurrence of this phenomenon.**
43. **The Committee recommends that the State party continue to address the factors responsible for the increasing number of children living in poverty, and that it develop programs and policies to ensure that all families have adequate resources and facilities, paying due attention to the situation of single mothers, as suggested by CEDAW (A/52/38/Rev.1, para. 336), and other vulnerable groups.**

D7. Education, Leisure and Cultural Activities (arts. 28, 29, 31)

44. The Committee values the exemplary literacy rates and high level of basic education and welcomes the numerous initiatives in promoting quality education, both in Canada and at the international level. The Committee is in particular encouraged by initiatives to raise the standard of education on-reserve. It further notes the steps taken to address the concern of the Committee on Economic, Social and Cultural Rights (E/C.12/1/Add.31, para. 49) related to addressing financial obstacles to post-secondary education for low-income students. The Committee nevertheless reiterates the concern of the Committee on the Elimination of Racial Discrimination (A/57/18, para. 337) about allegations of children of migrants with no status being excluded from school in some provinces. Furthermore, the Committee is concerned with the reduction in education spending increasing student-teacher ratios, the reduction of the number of school boards, the high drop-out rate of Aboriginal children and the availability of instruction in both official languages only “where numbers warrant”.
45. **The Committee recommends that the State party further improve the quality of education throughout the State party in order to achieve the goals of article 29 (1) of the Convention and the Committee’s General Comment no. 1 on the aims of education, by, inter alia:**

- a) **Ensuring that free primary quality education that is sensitive to the cultural identity of every child is available and accessible for all children with particular attention to children in rural communities, aboriginal children and refugees or asylum seekers, as well as children from other**

disadvantaged groups and those who need special attention, including in their own language;

b) ensuring that human rights education, including children's rights, are incorporated into the school curricula, in the different languages of instruction where applicable and that teachers have necessary training;

c) ratifying the 1960 UNESCO Convention against discrimination in education;

d) adopting appropriate legislative measures to forbid the use of any form of corporal punishment in schools and encouraging child participation in discussions about disciplinary measures.

**D8. Special Protection Measures
(arts. 22, 32-36, 37 b-d, 38, 39, 40)**

Refugee children

46. The Committee welcomes incorporation of the best interests of the child principle in the new Immigration and Refugee Protection Act (2002) and efforts being made to address the concerns of children in the immigration process in cooperation with UNHCR and NGOs. However, the Committee notes that some of the concerns previously expressed have been insufficiently addressed, in particular in dealing with family reunification, deportation, deprivation of liberty, priority is not accorded to those in greatest need of help. The Committee is in particular concerned at the absence of:

a) a national policy on unaccompanied asylum-seeking children;

b) standard procedures for the appointment of legal guardians for these children;

c) a definition of "separated child" and lack of reliable data on asylum seeking children;

d) adequate training and a consistent approach of the Federal authorities in referring vulnerable children to welfare authorities;

47. In accordance with the principles and provision of the Convention, especially articles 2, 3, 22 and 37, and with respect to children, whether seeking asylum or not, the Committee recommends that the State party:

a) to adopt and implement a national policy on separated children seeking asylum in Canada;

b) implement a process for appointment of guardians clearly defining the nature and scope of such guardianship;

c) refrain as a matter of policy from detaining unaccompanied minors and clarify the legislative intent of such detention as a measure of "last resort" ensuring the right to speedily challenge the legality of the detention in compliance with article 37 of the Convention;

d) develop better policy and operational guidelines covering the return of separated children who are not in need of international protection to their country of origin;

e) ensure that refugee and asylum-seeker children have access to basic services, such as education and health and that there is no discrimination in benefit entitlements for asylum seeking families which could affect children;

- f) ensure that family reunification is dealt with in an expeditious manner.

Protection of children affected by armed conflict

48. The Committee notes that Canada has made a declaration to the Optional Protocol upon ratification, permitting voluntary recruitment at the age of 16 years.
- 49. The Committee recommends the State party, in its report on this Optional Protocol expected next year, to provide information on the measures taken to give priority in the process of voluntary recruitment to those who are the oldest in light of article 38, para. 3 of the Convention and on its efforts to limit recruitment to persons of 18 years and older (and to review legislation accordingly).**

Economic Exploitation

50. The Committee greatly appreciates that Canada has committed resources to work toward the ending of economic exploitation on the international level. However, the Committee regrets the lack of information in the State party Report relating to the situation in Canada. Furthermore, it is concerned that Canada has not ratified ILO Convention 138 concerning the Minimum Age for Admission to Employment and is concerned at the involvement of children under 13 years old in economic activity.
- 51. The Committee recommends that the State party ratify ILO Convention No. 138 concerning the Minimum Age for Admission to Employment and undertake necessary measures for its effective implementation. The Committee further encourages the State party to conduct nation-wide research to fully assess the extent of children working in order to take, when necessary effective measures to prevent the exploitative employment of children in Canada.**

Sexual exploitation and trafficking

52. The Committee is encouraged by the role Canada has played nationally and internationally in promoting awareness of sexual exploitation and working towards its reduction, including by adopting amendments to the Criminal Code in 1997 (Bill C-27) and the introduction in 2002 of Bill C-15A, facilitating the apprehension and prosecution of persons seeking services of child victims of sexual exploitation and allowing for the prosecution in Canada of all acts of child sexual exploitation committed by Canadians abroad. The Committee notes, however, concerns related to the vulnerability of street children and, in particular, Aboriginal children who in disproportionate numbers end up in the sex trade as a means for survival. The Committee is also concerned about the increase of trafficked foreign children and women into Canada.
- 53. The Committee recommends that the State party further increase protection and assistance provided to victims of sexual exploitation and trafficking, including prevention, social reintegration, access to health care and psychological assistance in a culturally appropriate and coordinated manner including by enhancing cooperation with non-governmental organisations and the countries of origin.**

Street Children

54. The Committee regrets the lack of information on street children in the State party report, while a certain number of children are living in the street. The concern is accentuated by the fact that statistics from major urban centers indicate that children represent a substantial portion of Canada's homeless population, that Aboriginal children are highly over-represented, and that the causes leading to this phenomenon are; inter alia; poverty; abusive family situations and neglectful parents.
- 55. The Committee recommends that the State party undertake a study to assess the scope and the causes of the phenomenon and consider establishing a comprehensive strategy, to address the needs of homeless children, paying particular attention to the most vulnerable groups, with the aim of preventing and reducing this phenomenon in the best interest of these children and with their participation.**

Juvenile justice

56. The Committee is encouraged by the enactment of new legislation in April 2003. The Committee further welcomes crime prevention initiatives and alternatives to judicial processes. However, the Committee is concerned at the expanded use of adult sentences for children as young as 14, that youth custody is among the highest in the industrialized world; that mixing of juvenile and adult offenders in detention facilities continues to be legal, and that access to youth records and public identification is permitted. In addition, the public perceptions about youth crime are said to be inaccurate and based on media stereotypes.
- 57. The Committee recommends that the State party continue its efforts to establish a system of juvenile justice that fully integrates into its legislation, policies and practice the provisions and principles of the Convention, in particular articles 3, 37, 40 and 39, and other relevant international standards in this area, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty, and the Vienna Guidelines for Action on Children in the Criminal Justice System. In particular, the Committee urges the State party to:**
- a) ensure that no person under 18 is tried as an adult irrespective of the circumstances or the gravity of his/her offence;**
 - b) ensure that the views of children concerned are adequately heard and respected in all court cases;**
 - c) ensure that the privacy of all children in conflict with the law is fully protected in line with article 40 (2)(b)(vii) of the Convention;**
 - d) take the necessary measures (e.g. non custodial alternatives and conditional release) to reduce considerably the number of children in detention and ensure that detention is only used as a measure of last resort and for the shortest possible period of time and that children are always separated from adults in detention.**

Children belonging to a minority or indigenous group

58. The Committee welcomes the Statement of Reconciliation made by the Federal Government expressing Canada's profound regret for historic injustices committed against Aboriginal people, in particular within the residential school system. It also notes the priority accorded by the Government to improve the lives of Aboriginal people across Canada and by the numerous initiatives, provided for in the Federal Budget, embarked upon since the consideration of the initial report. However, the Committee is concerned that Aboriginal children continue to experience many problems, including discrimination in several areas, with much greater frequency and severity than their non-Aboriginal peers.
59. **The Committee urges the Government to pursue its efforts to address the gap in life chances between Aboriginal and non-Aboriginal children. In this regard it reiterates in particular the observations and recommendations with respect to land and resource allocation made by United Nations human rights treaty bodies, such as the Human Rights Committee (CCPR/C/79/Add.105 para. 8), the Committee on the Elimination of Racial Discrimination (A/57/18, para. 330), the Committee on Economic, Social and Cultural Rights (E/C.12/1/Add.31 para.18). The Committee equally notes the recommendations of the Royal Commission on Aboriginal Peoples and encourages the State party to ensure appropriate follow-up.**

D9. Ratification of the 2 optional protocols

60. **The Committee welcomes the ratification of the Optional Protocol to the Convention on the Rights of the Child on children in armed conflict and the signature in November 2001 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. The Committee urges the State Party consider the early ratification of the Optional Protocol on the sale of children, child prostitution and child pornography.**

D 10. Dissemination of the report, written answers, concluding observations

61. **In light of article 44, paragraph 6, of the Convention, the Committee recommends that the second periodic report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within all levels of administration of the State party and the general public, including concerned non-governmental organizations.**

D 11. Next report

62. The Committee underlines the importance of a reporting practice that is in full compliance with the provisions of article 44 of the Convention. An important aspect of States' responsibilities to children under the Convention includes ensuring that the UN Committee on the Rights of the Child has regular opportunities to examine the progress made in the Convention's implementation. In this regard, regular and timely reporting by State parties is crucial. The Committee recognizes that some State parties experience difficulties in initiating timely and regular reporting. As an exceptional measure, in order to help the State party catch up with its reporting obligations in full compliance with the Convention, the Committee invites the State party to submit its 3rd and 4th periodic reports by 11 January 2009 due date of the 4th periodic report. The consolidated report should not exceed 120 pages (see CRC/C/118).