

**Joint Call to Action for the Establishment of a Canadian Commissioner for Children and Youth:  
Elements for Discussion regarding Key Principles, Functions and Powers**

*On July 10<sup>th</sup> 2015, a forum was held at the Université de Moncton, in New Brunswick, bringing together non-governmental organizations from across Canada to advance discussion in support of the establishment of an independent officer of Parliament responsible for protecting and promoting the rights and wellbeing of Canadian children and youth between the ages of 0-18.*

*The following document outlines the key principles, functions, and powers of a Canadian Commissioner for Children and Youth, as determined by Forum participants.*

The institution of a Canadian Commissioner for Children and Youth must meet **the following key principles:**

1. *Name of Office:* The name of the Office should be that of the Canadian Commissioner for Children and Youth.
2. *Establishment:* The institution of the Canadian Commissioner for Children and Youth must be mandated by statute and established as an independent Officer of Parliament, who reports directly to Parliament.
3. *Appointment:* The Commissioner must be appointed according to an impartial and inclusive process that is informed by article 12 of the United Nations *Convention on the Rights of the Child* ('CRC') and includes representation by children and youth, as well as the governmental and non-governmental agencies established to serve their interests. The process should be consultative and transparent.
4. *Independence:* The Commissioner should have security of tenure and adequate resources to properly carry out all of his/her functions. The Commissioner must be able to direct his/her own agenda by establishing his/her own set of priorities within the Commissioner's prescribed legislative mandate.
5. *Accountability:* The Commissioner should be held accountable to Parliament and to the children and youth of Canada; there should be an explicit commitment to using international best practices on engaging children and youth in the development, appointment, planning, operation and evaluation of the Office. Further, the Commissioner should have a proactive duty to involve and consult children and youth from diverse and systemically disadvantaged populations.
6. *Collaboration and Coordination:* The Office should be required to collaborate with provincial and territorial Child and Youth Advocates, Representatives and Commissioners to co-ordinate areas of activity and engagement and prevent children and youth from falling through legislative cracks. It should also collaborate with other state and non-state bodies dealing with children and youth, as required to fulfill its legislative mandate.
7. *Child Rights Principles:* The Commissioner's mandate should be drafted with explicit reference to the United Nations *Principles relating to the status of national institutions for the promotion and protection of human rights* ('the Paris Principles'), General Comment No. 2 of the United Nations Committee on the Rights of the Child ('the CRC Committee') and the CRC. It should also include a statutory commitment to the monitoring and implementation of the CRC and a clear recognition of the indivisibility and interdependence of rights under the CRC.
8. *Accessibility and Non-Discrimination:* The Commissioner should be accessible to all Canadian children and youth and represent their needs and interests in a non-discriminatory manner. The Office should implement effective communication mechanisms to maximize accessibility for all children and youth.

9. *Prioritizing Systemically Disadvantaged Groups*: The Commissioner should have the authority to protect and promote the rights of all children and youth, with a special priority for those who are facing systemic adversity.
10. *Special Recognition of First Nations, Metis and Inuit Children and Youth*: The legislation governing the Commissioner's Office should give special recognition to the unique status of First Nations, Metis and Inuit children as the First Peoples of Canada. This should involve collaborating with indigenous governments and institutions, including those recommended by the Truth and Reconciliation Commission, having regard to the United Nations Declaration on the Rights of Indigenous Peoples and the CRC Committee's General Comment No. 11.
11. *Proactive and Systemic Approaches*: The Commissioner should advocate for effective policies that deliver quality outcomes for children and youth. The Office should promote the rights of children, educate the public, and report to the CRC Committee, Parliament and the public on Canada's laws, policies, practices and programs.

The role of the Canadian Commissioner for Children and Youth is to protect and promote the rights and wellbeing of Canada's children and youth. Accordingly, the institution of the Canadian Commissioner for Children and Youth should have **the following functions and powers**:

1. *Monitor and Review*: The Commissioner should have the power to collect data, engage in research and conduct Child Rights Impact Assessments (CRIA) on current and future legislation to ensure it is consistent with children's rights under the CRC. Further, the Commissioner should be able to review and monitor laws, policies, practices and programs to ensure that they are consistent with children's rights.
2. *Best Interests of the Child*: The Commissioner should have the power to ensure that the best interests of the child are treated as a primary consideration in decision-making processes and to monitor the health, wellbeing, development and participation of children and youth in order to accurately assess progress towards implementation of the CRC.
3. *Investigative Powers*: The Commissioner should have the power to undertake general or specific investigations and inquiries into issues where the rights of children and youth may be adversely affected or violated.
4. *Complaints Mechanism*: The Commissioner should have the power to deal with individual and systemic complaints from children and youth, their parents and guardians, and from any other source, including own motion complaints, about the provision of federal government services.
5. *Public Education and Awareness*: The Commissioner should have the power to develop and promote public education programs on children's rights according to article 42 of the CRC, as well as to effectively communicate the existence and role of his/her Office to Canadian children and youth and the public at large.
6. *Recommendations and Advice to Parliament*: The Commissioner should have the power to make recommendations to Parliament concerning amending laws or creating new ones as well as to provide advice to Parliament with regards to particular laws, policies, programs and administrative processes affecting children.
7. *Intervention in Legal Proceedings*: The Commissioner should have the power to intervene in legal proceedings where organizations or individuals are complaining that the rights of children have been violated.
8. *Access to Information*: The Commissioner should be mandated with broad access to information through government departments and agencies, including the power of subpoena.
9. *Advocacy*: The Commissioner should have the power to act as a general spokesperson for children's rights at a national level with specific authorization to meet with children and youth in order to hear their views and effectively amplify their voices.. The Commissioner should also have the power to collaborate and coordinate with community organizations and businesses to ensure that the best practices for children's rights are maintained and enforced.

10. *Reporting*: The Commissioner should have the power to create reports on progress made or actions taken by the federal government or other bodies with respect to the promotion and protection of children's rights, as well as to submit reports directly to UN bodies.

Supported by UNICEF Canada, the New Brunswick Child and Youth Advocate's Office, the Canadian Coalition for the Rights of Children, the Canadian Paediatric Society, the Canadian Student Association for Children's Rights, and the Child Welfare League of Canada, and endorsed by the following organizations:

List of Endorsing NGO Sector Organizations:

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