



**Convention on the  
Rights of the Child**

Distr.  
GENERAL

CRC/C/SR.895  
25 September 2003

Original: ENGLISH

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COMMITTEE ON THE RIGHTS OF THE CHILD

Thirty-fourth session

SUMMARY RECORD OF THE 895th MEETING

Held at the Palais Wilson, Geneva,  
on Wednesday, 17 September 2003, at 3 p.m.

Chairperson: Mr. DOEK

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CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Second periodic report of Canada (continued) (CRC/C/83/Add.6; CRC/C/Q/CAN/2; CRC/C/RESP/44; HRI/CORE/1/Add.91)

1. At the invitation of the Chairperson, Ms. Atkinson, Ms. Evans, Mr. Farber, Mr. Ferguson, Mr. Herringer, Mr. Hunsley, Mr. Kastner, Ms. Kent, Ms. Kingston, Ms. Marmen, Ms. McCarthy Mandville, Ms. McDade, Ms. McPhee, Ms. Menard, Ms. Morency, Ms. Pearson, Ms. St-Louis, Ms. Stone, Ms. Tyler, Ms. Van Egmond and Ms. Walker (Canada) took places at the Committee table.
2. Ms. PEARSON (Canada) said that she was a firm believer in the benefits of child and youth participation and, in her capacity as advisor on children's rights, had encouraged the Minister of Foreign Affairs to increase the involvement of children in the legislative process at the federal level. The recent participation of young people in the discussions of the Special Joint Committee on Child Custody and Access had been particularly useful. Children had been encouraged to participate in such international events as the Conference on War-Affected Children in West Africa, which had recently been held in Winnipeg, and the United Nations Special Session on Children. The child delegates that had represented Canada at the Special Session had taken the initiative to establish a Child Engagement Experts Resource Team to ensure that young people were involved in the development of a national plan of action for children. Progress in that area had been slow but sure.
3. Ms. KHATTAB said that she would be interested in knowing whether children had been involved in the preparation of Canada's second periodic report (CRC/C/83/Add.6).
4. Ms. PEARSON (Canada) said that, when preparing the report, the Government had consulted the Canadian Coalition for the Rights of Children, a group of non-governmental organizations (NGOs) working to promote and protect the rights of children in Canada. Her delegation would welcome advice on how to improve the participation of children in the complicated report-writing process.
5. Ms. EVANS (Canada) said that a number of initiatives had been introduced in Alberta to promote the participation of children in policy-making. For example, children from different backgrounds had been involved in developing Children and Youth Forums throughout the province, giving young people an opportunity to participate in an ongoing discussion with the Ministry of Alberta Children's Services. The priorities identified by those children were reflected in all child-related policies and services and would periodically be reflected in provincial legislation, which would later be approved at the federal level. Similar forums had been set up in other provinces. Other projects, such as the Alberta Children and Youth Initiative and the Children's Advocate Programme, also encouraged the participation of children.
6. Ms. SMITH enquired whether there was any provincial legislation concerning the age at which individual children had to be consulted on issues directly relating to their well-being.
7. Ms. VUCKOVIC-SAHOVIC said that she wished to learn more about the extent of child participation in Canada.

8. Mr. LIWSKI asked whether any concrete measures had been taken to ensure that children involved with the police and those who had been deprived of their liberty were not subjected to torture and other cruel, inhuman or degrading treatment or punishment.
9. Ms. PEARSON (Canada) said there were a significant number of youth-run organizations in Canada that addressed a range of different issues. One such example was the Spirit Bear Youth Coalition that had been set up to protect the habitat of a rare species of bear. The Coalition had already had a huge impact on environmental law in British Columbia.
10. Ms. STONE (Canada) said that a variety of mechanisms had been put in place to increase child and youth participation in the development of policies and programmes that had an impact on their daily lives. Children had participated in the development of the Canadian Government's web portal for youth. The Government had recently invested 3.3 million Canadian dollars (Can\$) in the establishment of the Centre of Excellence for Children's Well-Being, which focused in particular on the engagement of young people at risk.
11. The CHAIRPERSON enquired whether there was a federal law stipulating the minimum age at which a child could be heard and express his or her views in civil proceedings.
12. Ms. STONE (Canada) said that, although there was still some debate as to the age at which a child should have the freedom to decide on his or her own medical treatment, the child's wishes were generally taken into account, especially if the condition was life-threatening, provided that he or she had a good understanding of the situation.
13. Ms. MORENCY (Canada) said that, in federal divorce proceedings involving custody and access disputes, judges were instructed to seek out the views of the children.
14. Ms. PEARSON (Canada) said that there had been a recent trend in Canada to assume that children had the right to participate. Nevertheless, decisions were generally made on the basis of an assessment of each child's capabilities.
15. Ms. KINGSTON (Canada) said that the new Youth Criminal Justice Act, which had entered into force in April 2003, placed strong emphasis on youth participation in policy development and implementation in the field of juvenile justice. During the policy development stage, a number of national round tables on juvenile justice issues had been held to give young people, particularly those who had been through the criminal justice system themselves, an opportunity to express their views on the standards of care provided to young people in custody. Young people had also made recommendations to parliamentarians. Recent legislation contained specific provisions on young people's right to participate in processes that affected them. In particular, an individualized social reintegration plan should be prepared for each young person taken into custody, in consultation with a youth worker and the person in question.

16. A number of projects were being carried out by young people to raise awareness of juvenile justice issues. Under one such project, young people who had been released from custody were asked to become mentors to those in custody and to provide them with assistance on their release. A number of youth groups had been very active in providing training for young people who wished to participate in such programmes. Aboriginal youth who had been placed in custody were being asked by community elders to provide their views on social reintegration and other related issues.

17. Ms. SARDENBERG said that she would be interested in knowing how the Government of Canada defined the term “youth”.

18. Ms. KINGSTON (Canada) said that the juvenile justice system applied to young people between 12 and 18 years of age. However, some youth organizations admitted members up to the age of 23.

19. One of the objectives of the new Youth Criminal Justice Act was to reduce the high number of young people in the criminal justice system and to discourage over-reliance on incarceration. It also sought to promote the rehabilitation and reintegration of young offenders. Particular emphasis was placed on timely intervention. Under the new legislation, all proceedings involving minors had to take place in a youth court and all young people were afforded appropriate protection throughout the legal process.

20. Mr. FILALI said that it appeared that the age at which a convicted juvenile offender could receive an adult penalty had been reduced from 16 to 14 years.

21. Mr. KOTRANE asked whether the new Act prevented young persons of 16- and 17-year-olds from being transferred to an adult court.

22. Ms. KINGSTON (Canada) said that the age at which a convicted juvenile offender could receive an adult penalty had long been fixed at 14 years; that age-limit had not been changed under the new legislation. Such penalties were imposed only on minors who had committed serious violent offences. In such cases, convicted minors were more eligible for parole than adults who had been sentenced for similar offences. Furthermore, under the new legislation, young persons could no longer be transferred to an adult court and were never placed in detention with adults, regardless of the offence.

23. After much deliberation, Canada had decided to maintain its reservation to article 37 (c) of the Convention, even though significant progress had been made in separating young people from adults in detention facilities. Under the new legislation, all persons under the age of 18 serving a juvenile sentence were held separately from adults. In the case of adult sentences, the presumption remained that a person under 18 would be placed in a youth custody facility unless the judge deemed that placement in such a facility was not in the best interests of the young person or would jeopardize the safety of others. Under the new legislation, a therapeutic youth sentence had been introduced for minors who had committed a serious violent offence that usually carried an adult penalty. There were currently only two minors in Canada serving time in adult facilities, both of whom had been convicted under the previous legislation. The Canadian Government intended to reduce that number to zero so that it could withdraw its reservation.

24. Ms. McDADE (Canada) said that the National Child Benefit system (NCB), introduced in 1998, was considered to be one of the best recent examples of federal, provincial and territorial cooperation in social policy in Canada. The goals of the NCB were to prevent and reduce child poverty, avoid overlap and duplication in income-support programmes for low-income families, and remove the so-called “welfare wall” that had arisen because families on social assistance were often better off than families with low-paying jobs. In order to achieve those goals, the Government of Canada provided a monthly income benefit to all low-income families, based on the family’s income and size. Most jurisdictions adjusted the amount of the benefit, ensuring that each family received at least the same overall level of income support that it had received prior to the NCB. First Nations children, like all other children in Canada, received the Canada Child Tax Benefit and monthly income benefits.

25. Before the introduction of the NCB, a low-income family with two children would have received Can\$ 2,500 a year in child benefits. Currently, the same family received over Can\$ 5,000 a year; by 2007, that figure would reach Can\$ 6,200 a year. Child poverty was declining and the incidence of low income among families with children had decreased from 16 per cent in 1996 to 11.4 per cent in 2000.

26. Ms. KHATTAB wished to know whether the NCB had helped certain groups to make the transition from welfare to the labour market.

27. Ms. McDADE (Canada) said that single-parent families had benefited more from the programme than had two-parent families. Before the NCB had been introduced, the disposable income of a single-parent family trying to make the transition to minimum-wage employment would decline by 8 per cent in relation to the social benefits that it had been receiving. By 2001, the same family would have had an increase of 5 per cent in disposable income. Figures for two-parent families were not as significant.

28. Ms. McCARTHY MANDVILLE (Canada) said that the province of Newfoundland and Labrador had chosen not to reduce the basic benefits paid to families with children on income support, thereby enabling such families to benefit from increased federal child benefits. However, in support of the NCB initiative, the province had invested in a range of new programmes designed to assist low-income families. In 1999, with the second increase in federal child benefits, the province had redesigned the income support programme, removing the basic benefit for children and reinvesting the savings into the Newfoundland and Labrador Child Benefit. Thus, financial support for families with children on income support was currently provided through the federal and provincial income-tested child benefit schemes.

29. Ms. McDADE (Canada) said that in 1999 the Government had earmarked Can\$ 753 million to implement the three-year National Homelessness Initiative. The supporting community’s partnership initiative, which was the cornerstone programme of the Initiative, was designed to enable communities to develop their own strategies to address the needs of homeless people. Separate funding had been allocated to solving the problems of youth, Aboriginal Canadians and other vulnerable groups. In March 2003, the Government had renewed its commitment to tackling homelessness and had agreed to invest an additional Can\$ 405 million over the next three years.

30. Ms. McPHEE (Canada) said that in 1996 the Government had introduced a new housing policy for First Nations communities, which was designed to ensure control by the communities, encourage community-based planning and improve access to capital. As a result, the total number of houses in First Nations communities had increased by 17 per cent. Over the past five years, the Government had also invested an additional Can\$ 200 million into First Nations housing. The Canada Mortgage and Housing Corporation provided loans to repair on-reserve First Nations houses.

31. The CHAIRMAN wished to know how many new on-reserve dwelling units had been built.

32. Ms. McPHEE (Canada) said that, between March 1996 and March 2002, 14,800 new dwelling units had been built. There were currently almost 90,000 on-reserve homes.

33. Ms. ORTIZ said that the Canadian Government should provide title to indigenous land and resolve the legal problems faced by Aboriginal people when they claimed such land.

34. Ms. McPHEE (Canada) said that the federal Government divided Aboriginal land claims into specific claims, which dealt with outstanding grievances based on treaties, and comprehensive claims, which were based on the assertion of continuous Aboriginal title to land and natural resources. The federal policy stipulated that land claims could be negotiated with Aboriginal groups in areas where claims to Aboriginal title were not covered by a treaty or other legal instrument. However, the Government had accepted a limited number of claims for negotiation as comprehensive claims in areas that had been affected by treaties and where there was uncertainty as to the specific nature of the title of the land. Under the 1995 Inherent Right Policy, self-government could be negotiated simultaneously with land claims.

35. Mr. HERRINGER (Canada) said that the best interests of the child had been taken into account in the Immigration and Refugee Protection Act. In most cases, Canada tried to keep families together. However, if parents had to be deported, the Government facilitated the travel of children along with the parents. The Minister of Citizenship and Immigration could exercise discretion under humanitarian compassionate provisions if the case warranted consideration.

36. In order to promote family reunification, Canada had introduced a new measure that allowed family members living abroad to apply for permanent residence in Canada at the same time as the protected persons who were in Canada. For that purpose, family members were defined as “spouse” or “common law partner”, “dependent children of the applicant” and “dependent children of the dependent children”. Where refugee families had become separated overseas, concurrent processing took place abroad for family members whenever possible, so that a refugee resettled in Canada could be joined by other family members at the same time or shortly after. If a family member’s whereabouts were unknown, the refugee could still add the person to his or her application, and the separated member overseas could apply through a facilitated process.

37. Canada had eliminated the Right of Landing Fee for refugees, thereby reducing the delay caused by the need for recent immigrants to accumulate funds to cover the cost of lodging an application for a family member.

38. Canada did not wish to encourage children and their families to use the refugee claims system as the preferred method of immigration. Family members living abroad were entitled to apply as refugees in their own right. Canada's migration scheme included family reunification programmes, humanitarian and compassionate grounds applications and refugee resettlement through government assistance.

39. The Refugee Resettlement Division had set up an interdepartmental working group to address children's issues. The Division was part of an intergovernmental committee set up to address issues related to the reception of unaccompanied minors.

40. Ms. KHATTAB said that, according to the report, family reunification involved a permanent residence fee of Can\$ 500 for each family member.

41. Mr. HERRINGER (Canada) confirmed that there was a cost-recovery fee for those applying for permanent residence in Canada.

42. The CHAIRMAN wished to know whether the child's age was a factor in cases when parents of children born in Canada were refused refugee status or permanent residence and were ordered to leave the country.

43. Mr. HERRINGER (Canada) said that, in such situations, a case-by-case approach was taken. Positive discretion would be exercised in cases where family separation might result and where the child might not be able to travel with the parents.

44. Mr. FILALI wished to know whether immigration issues depended purely on the federal Government or whether the provinces and territories were also involved. Referring to paragraphs 62 and 147 of the report, he wondered why the "best interests test" had been described as "arbitrary" and "unpredictable".

45. Mr. HERRINGER (Canada) said that the federal Government and the provinces shared responsibility for immigration issues.

46. Ms. ATKINSON (Canada) said that, although the federal Divorce Act stated that the best interests of the child should be the only consideration in determining matters of custody and access, the best interests of the child had not been defined as part of the legislation. In December 2002, the Government had launched a new child-centred family justice strategy that included the reform of the federal Divorce Act in order to safeguard the best interests of the child.

47. Ms. SMITH wished to know whether the Government was satisfied with the way in which it was dealing with the issue of separated children, and whether the situation of such children was improving.

48. Ms. KHATTAB said that Canada needed to have a clear-cut national policy for cooperation between the federal Government and the provinces. She also stressed the importance of appointing a guardian for separated children.

49. Ms. EVANS (Canada) said that a qualified private practitioner should be sponsored to assess the individual needs of the child. Where possible, the assessment should take place before the child's arrival and should include a follow-up visit after the child's arrival. Only if the private practitioner or another person believed that the child was being placed at risk should child welfare services be used.

50. Mr. HERRINGER (Canada) said that the Focal Point on Separated Children in the Americas had prepared a document of best practices with regard to separated children. The document had been adapted from the statement of good practices used by the Separated Children in Europe Programme, developed in connection with a number of NGOs. An advisory group had been set up in the Refugee Resettlement Division to discuss the relevant issues and to consider implementing best practices within the limits of the legislation.

51. Ms. SARDENBERG wished to know whether the delegation was aware of the report entitled "Separated children seeking asylum in Canada", which had been published by the United Nations High Commissioner for Refugees in July 2001 and which contained 65 recommendations for improving Canada's response with regard to separated children.

52. Ms. PEARSON (Canada) said that she had read the report and that some of the measures implemented in Canada had resulted from those recommendations.

53. Ms. MORENCY (Canada) said that the constitutionality of section 43 of Canada's Criminal Code was currently being challenged under the Canadian Charter of Rights and Freedoms in the case of the Canadian Foundation for Children, Youth and the Law, and the Attorney-General of Canada. The matter had been brought before the Supreme Court in June 2003 and the Government was currently awaiting a final decision.

54. Canada's criminal law defined "assault" as non-consensual application of force. Section 43 of the Criminal Code provided that a parent, a teacher or a person acting in the place of the parent could use force to correct a child under his or her care, provided that the force used was reasonable in all circumstances. The Government of Canada believed that section 43 did not authorize or condone the abuse of children, and it supported programmes that promoted child development and well-being and discouraged the use of physical punishment in favour of alternative disciplinary measures. While it continued to support the application of criminal sanctions in all situations in which a child's physical integrity was at risk, the Government considered that it was not in the best interests of the child, or Canadian society as a whole, to bring the full force of Canadian law to bear on parents for giving a mild non-injurious spanking to a child. In addition to the protection provided under criminal law, children were protected against all forms of abuse, neglect and ill-treatment under provincial and territorial legislation. The Ontario Supreme Court of Justice had upheld the constitutionality of section 43 of the Criminal Code and had ruled that the provision was consistent with Canada's obligations under the Convention.



55. Ms. MARMEN (Canada) said that child protection laws in Quebec were designed to prevent abuse from recurring, while aiming to keep the child within the family environment. Protection measures should seek the active participation of parents in preventing future abuse. Children could address complaints to the Human Rights and Youth Rights Commission, which was entitled to make use of the relevant legal remedies, including application to a court.
56. Ms. PEARSON (Canada) said that, while the Civil Code remained in force in Quebec, the rest of the country used a common law system, which made harmonization at the federal level a major challenge.
57. The CHAIRPERSON said that the European Court of Human Rights had found that a law similar to Canada's section 43, in force in the United Kingdom, which provided for the use of "reasonable chastisement" by parents, failed to provide children with sufficient protection from violence. The ruling had described the law as an invitation to parents to use whatever force they believed necessary.
58. Ms. SMITH said that many countries looked to Canada as an example in the field of child rights protection. Therefore, the problem of section 43 took on symbolic importance.
59. Mr. LIWSKI asked whether any research had been carried out concerning the impact of section 43 on institutional attitudes towards corporal punishment.
60. Ms. EVANS (Canada) said that the use of corporal punishment was forbidden in schools in Alberta. Parental advisory committees played an important role in deciding on the use of alternative punishment in schools.
61. Mr. FARBER (Canada), replying to questions regarding same-sex marriages, said that the Standing Committee on Justice and Human Rights, set up by Parliament to consider the implications of that issue, had taken evidence from over 300 witnesses in preparing its report. It had found that the definition of marriage as the voluntary union between one man and one woman to the exclusion of all others was no longer acceptable under Canadian law. The draft law on the subject was currently before Parliament, and would be debated in parliamentary committees before adoption. In practice, same-sex couples already raised children, either as a result of previous marriages, or through assisted reproductive technology. Therefore the legalization of same-sex unions would provide such children with the same rights as those enjoyed by children from traditional marriages.
62. Ms. PEARSON (Canada) said that Canada was party to the Hague Conventions on the Civil Aspects of International Child Abduction, and on the Protection of Children and Cooperation in respect of Intercountry Adoption. The fact that there were more international adoptions involving girls than boys was a reflection of the discrimination that girls faced in their countries of origin rather than a preference among Canadian adoptive parents. The Government of Canada was very concerned about the abduction of children, which constituted abuse, whatever the circumstances.

63. Canada had reversed the downward trend in official development assistance, and intended to double current levels by 2010. The protection of vulnerable children, promotion of youth initiatives and education of young girls were major priorities of the Canadian International Development Agency. Over one quarter of development assistance was allocated to meeting basic human needs.

64. Ms. STONE (Canada) said that the Government of Canada had invested heavily in reducing domestic violence. The establishment of a National Clearinghouse on Family Violence, followed by the completion of a comprehensive government study, were part of an ongoing strategy to deal with the problem. There were several national programmes for children, on such issues as prenatal nutrition, literacy, early development and crime prevention, and research institutions known as Centres of Excellence for Children's Well-Being. The national crime prevention strategy focused on early intervention in order to deal with the root causes of crime through social development.

65. Ms. McPHEE (Canada) said that the preventive approach was also at the heart of the Government's strategy to reduce domestic violence. The Government had financed a number of workshops on stress and anger management and on programmes to enhance parental skills.

66. Ms. McDADE (Canada) said that the Family Violence Initiative supported efforts to provide information to immigrant families. Similarly, the Multiculturalism Programme of the Department of Canadian Heritage was designed to use local television and radio stations to raise the awareness of immigrant communities concerning major issues affecting them.

67. Ms. EVANS (Canada) said that a programme had been launched to provide new identities for the victims of domestic violence. Jointly financed by the public and private sectors, it also provided mobile phones to children escaping abuse.

68. Ms. PEARSON (Canada) said that the Government of Canada was very interested in determining the root causes of violence against and among children. Regrettably, the violence depicted in the United States media, as well as bullying over the Internet, were beyond its control.

69. The CHAIRPERSON asked whether the tremendous range of programmes had succeeded in reducing the number of child abuse cases. He also wished to know whether the help lines for victims had been effective in combating abuse.

70. Ms. PEARSON (Canada) said that the number of recorded physical assaults on children had risen slightly between 1997 and 2000. However, that was probably a reflection of increased reporting rather than a rise in the number of cases.

71. Ms. MORENCY (Canada) said that, in Alberta, growing reports of child abuse in recent years had undoubtedly been due to the opening up of a taboo subject. In remote, staunchly religious communities, government campaigns had helped to bring the subject into the public domain.

72. Ms. TYLER (Canada) said that the definition of "abuse" had also been expanded to include cases of neglect. That too had had an impact on child-abuse figures.

73. Ms. McPHEE (Canada) said that the Government was working hard to engage First Nations communities in attempts to raise awareness of child welfare issues. It had conducted a joint national policy review in conjunction with the Assembly of First Nations, which had resulted in a set of new recommendations. A key area of consensus was the need for a more flexible funding relationship with First Nations communities. Child protection mechanisms had been too quick to remove children from the family home in those communities. The competent authorities were therefore focusing on less disruptive measures and on shifting the emphasis to prevention.
74. The CHAIRPERSON said that there had apparently been a considerable increase in the number of Aboriginal children placed in institutional care in the past several years. He enquired whether the flexible funding model referred to previously meant that, if children had to be removed from their homes, more money was available to place them in on-reserve foster care rather than in an institution.
75. Ms. McPHEE (Canada) said that one of the Government's objectives was to increase placements of First Nations children who had to be removed from their homes in foster care within a First Nations home.
76. Mr. LIWSKI enquired how effective Canada's ratification in 1996 of the Hague Convention on the Protection of Children and Cooperation in respect of Intercountry Adoption had been in preventing the abduction, sale or trafficking of children. The delegation should provide information on the specific measures that had been adopted in that regard.
77. Ms. KHATTAB asked why the number of children in families receiving income supports in Alberta had decreased by an average of 1,000 a month, and whether the decline in the budget of the income support programme meant that fewer families were able to benefit.
78. Ms. EVANS (Canada) said that the federal Government's flexible funding model favoured prevention and preservation of the family unit and resorted to foster care only when all other measures had failed.
79. Fluctuations in the level of income supports in Alberta were attributable to seasonal employment variations and to the fact that families required more support in some months than in others. There had certainly been no withdrawal of funding; in fact, in January 2004, even greater support for families in Alberta would be provided under a new formula.
80. Ms. PEARSON (Canada) said that the abduction, sale and trafficking of children was a growing problem that was probably far more widespread than most people realized, particularly in the case of the sexual exploitation of children. Canada's new Immigration Act included a section on trafficking that made it a punishable offence. Under the Act, the penalty for the offence had been set at Can\$ 1 million. There was an urgent need for international cooperation to address the problem of trafficking.
81. Ms. CHUTIKUL enquired whether the Government had implemented any measures to protect and assist women and children who had been brought to Canada by traffickers.

82. Ms. PEARSON (Canada) said that the Government was making efforts to deal with the problem. Among other things, it was setting up a witness-protection programme for persons who were prepared to testify that they had been trafficked.
83. Ms. SARDENBERG asked whether Canada planned to ratify the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.
84. Ms. PEARSON (Canada) said that, pending some technical considerations, it was only a matter of time before Canada ratified the Optional Protocol. However, the fact that it had not yet done so did not prevent the Government from dealing with those issues.
85. Ms. KHATTAB requested information on the prevalence of female genital mutilation (FGM) in Canada and asked whether the Government was participating in the international movement to stop that practice. Given that in Canada one child was born everyday with fetal alcohol spectrum disorder (FASD), she enquired whether the problem was being addressed as strictly a health issue, or whether efforts were also being made to educate women about how to avoid it.
86. Ms. AL-THANI said that FASD occurred when pregnant women consumed large amounts of alcohol, which suggested that alcoholism was involved in the disorder, and she requested the delegation to comment on that point. She expressed concern that, although the incidence of HIV/AIDS among children in Canada was very low, a declining level of awareness among adolescents and children could lead to a rise in the number of cases. The delegation should explain how it planned to address that situation.
87. Ms. Yanghee LEE said that it was unclear why Bill C-31 had created two types of status for Indians (status and non-status). In that connection, she asked how the education of status and non-status Indian children living off the reserves was funded. She also wished to know why the incidence of FASD in Canada was twice as high among Aboriginals than among non-Aboriginals, why Aboriginal children had the highest incidence of disability in the country and why sudden infant death syndrome (SIDS) was the leading cause of infant mortality among Aboriginal children. She also enquired whether the multicultural diversity of Canada was reflected in the composition of the public service.
88. Mr. KRAPPMANN said that the delegation should clarify what responsibility the federal Government had in funding the education of children on reserves. There were some indications that federal and provincial expenditure for education had been reduced, that teacher/student ratios were increasing and that there was a dropout problem. He would welcome more information on those issues. The view of the child should be taken into account when deciding the language of instruction, which should not depend solely on demographic statistics. He urged the Government to ratify the 1960 Convention against Discrimination in Education if it had not already done so.
89. The CHAIRPERSON enquired whether federal funding for early diagnosis of children's disabilities was matched by provincial funds. The delegation should explain why the number of disabled children appeared to be increasing.

90. Ms. PEARSON (Canada) said that Canada had given serious consideration to the matter of ensuring the cultural diversity of the public service and had taken numerous measures to address the problem. More information would be provided at a later date.

91. Ms. ATKINSON (Canada) said that FGM was doubly prohibited in Canada: it could not be practised there nor could a child be removed from Canada to have it done elsewhere. To date there had not been any convictions for FGM in Canada. At the federal level, educational materials prepared in direct consultation with members of the communities most closely associated with the practice had been provided. A workshop manual developed in 1998 instructed communities how to organize their own workshops to educate newly arrived Canadians about the practice from the legal, social and health perspectives. Other efforts were directed at educating health-care professionals about FGM and addressing the needs of children and women who had suffered from it.

92. Ms. PEARSON (Canada) said that Canada was also working with groups in other countries to eradicate the practice.

93. Ms. STONE (Canada) said that FASD was a serious problem in Canada, since one child was born every day with full FASD symptoms. The disorder was being addressed from the standpoints of prevention, diagnosis and support. Canadian women who were considering becoming pregnant were urged to abstain from alcoholic beverages. Since 1999, the Government had been working on a national framework for action on FASD that had involved consultation with all levels of government, Aboriginal organizations, stakeholders and the associated professional organizations in Canada. The completion of the framework and the establishment of priorities had revealed the policy issues to be addressed, namely, continuing coordination and collaboration, and public and professional awareness and education. Recommendations had also been made for the development of diagnostic guidelines, which would be published in a peer review journal. Once such measures had been approved, the Government could develop Canadian culturally-sensitive variations of the guidelines for use by health professionals.

94. FASD was a multifaceted issue that involved not only issues of health but also such issues as criminal justice, education, labour and housing. The western provinces and northern territories, in particular, were leading the way in terms of developing strong partnerships and programmes to combat FASD.

95. Ms. PEARSON (Canada) said that children suffering from FASD should not be discriminated against but rather should be helped.

96. Ms. STONE (Canada) said that the incidence of HIV/AIDS for children in Canada was extremely low as compared with global data, and that programming for children as a group in Canada was therefore less intensive than for other segments of the Canadian population. While the Canadian strategy on HIV/AIDS did not provide special funding for children, there were some individual projects that had children as their target population. High-quality programmes for medical care and support for children living with HIV/AIDS were widely available. Recent surveys had shown that educational messages aimed at Canadian youth were not producing the desired effect: although the incidence of HIV/AIDS among children was low, children's understanding of its causes and effects was still not well understood.

97. Ms. McPHEE (Canada) said that Bill C-31 was a 1985 amendment to the Indian Act that was intended to eliminate discrimination on the basis of gender, facilitate the reinstatement of persons who had lost their Indian status under the former Indian Act and enable them to register their children and grandchildren, and give First Nations communities control over their own membership lists. Status Indians were those who were registered and non-status Indians were those who were not eligible for registration under the Indian Act.

98. Regarding education for Aboriginals, particularly for Aboriginal children, on reserves, education expenditures for First Nations elementary and secondary schools had increased from Can\$ 703 million in 1992-1993 to the current level of more than Can\$ 1 billion. The number of children enrolled in First Nations schools had increased over the past decade from 96,000 to almost 120,000 children. There were currently 502 First Nations schools on reserves, all but 8 of which were under First Nations management. Much work remained to be done to ensure that First Nations children were educated in a context that took account of their cultural needs and that indigenous knowledge and languages were incorporated into school curricula.

99. Although the Government did not have good statistics on the incidence of disability among Aboriginal and First Nations children, it had recently committed Can\$ 250 million to a new special education programme that would benefit First Nations children with special needs in First Nations schools on reserves.

100. Ms. STONE (Canada) said that the Government had also created a centre for special needs for northern isolated communities, which was carrying out a number of projects for Aboriginal children with special needs. Other programmes, such as Aboriginal Head Start, had been very successful in preparing disabled 3- to 5-year-olds to attend school.

101. Ms. WALKER (Canada) said that the four SIDS risk factors of breastfeeding, no smoking, putting the infant to sleep on its back and reducing bundling had not been widely accepted in the Aboriginal communities. Since SIDS had virtually been eliminated in non-Aboriginal communities, the Government's next priority was to examine the risk factors in consultation with Aboriginal people in order to find ways of eliminating the syndrome.

102. Ms. PEARSON (Canada) said that there were child advocates in 8 of the 10 provinces. Legislation enabled such advocates to act as ombudsmen. No ombudsman system existed at the federal level.

103. Ms. MENARD (Canada) said that the Charter was the supreme law of Canada and any legislation inconsistent with it had no effect. The Charter contained a section on cruel and unusual punishment, and contained provisions that allowed the court to make any order it deemed appropriate for a violation of a Charter right. Canada also had human rights commissions, at both the federal and provincial levels, to which any person, including a child or a young person, could appeal. The difference between the Charter and the Human Rights Code was that the Charter had constitutional status and referred to State action at the federal, provincial, municipal and territorial levels, while the Human Rights Code pertained primarily to the private sector.

104. There were many bodies in Canada that dealt with human rights issues, including the Canadian Association of Statutory Human Rights Agencies, which brought together numerous human rights commissions. There was also a family law committee of federal, provincial and territorial officials that met regularly to develop and coordinate family law policy, as well as a committee to deal with the administration of juvenile justice. A new committee of federal deputy ministers on human rights was charged with highlighting human rights issues within the federal Government. The Canadian Coalition for the Rights of the Child had recently been allocated Can\$ 500,000 for reporting and monitoring.

105. Ms. MARMEN (Canada) said that, regarding adoption in Quebec, the Civil Code stipulated that judicial and administrative files on adoption cases were confidential and that the information they contained could be revealed only in accordance with law. Adopted children who had come of age or adopted minors aged 14 or over could obtain information regarding their biological parents, provided that the parents had previously given their consent. The same applied to the parents of adopted children if the adopted children who had come of age had previously given their consent.

106. Ms. KHATTAB said that while it was clear that Canada was making significant efforts to improve the welfare of children, the Government still faced a number of challenges, such as the issue of asylum-seekers.

107. Ms. PEARSON (Canada) said that the Canadian delegation was pleased to have had an opportunity to confer with non-Canadian experts, and it looked forward to receiving the Committee's concluding observations. The Government of Canada intended to continue its commitment to advancing children's rights.

The meeting rose at 6.05 p.m.