

A Canadian Commissioner for Children and Young People

What do we mean by a Canadian Commissioner for Children and Young People?

An independent national Commissioner for Children and Young People established by and reporting to the Parliament of Canada could support federal departments and parliamentarians in developing and analyzing legislation, policies and other decisions for potential impacts on children; monitoring the well-being of Canada's children to help guide investments in our rising generations; promoting equitable treatment of children; and helping coordinate federal and provincial action where necessary, including a focus on Aboriginal, immigrant and other vulnerable children.

The idea of an independent national office focusing on children is neither radical nor new. Most industrialized nations have a similar function, including federal states like Canada. New Zealand, England, Scotland, Ireland, Northern Ireland, Norway, Sweden, and most recently, Australia, have found such offices to be effective¹. These governments have responded to the recognition that there are many areas where government action at both federal and provincial/territorial levels directly affects the well-being of children, and impacts on children and society when decisions do not sufficiently take them into consideration.

Children's rights in Canada

In 1991, the Canadian Government ratified the United Nations Convention on the Rights of the Child (CRC), Canada committing itself to protecting and promoting children's rights in Canada. While progress has been made in the fulfillment of children's rights, significant progress is still needed to ensure that the best interests of children are a priority and their rights to survive, develop and be protected are supported.

Why does Canada need a Commissioner for Children and Young People?

- **Children's voices are not heard**

There are close to seven million children and young people in Canada – about a quarter of the population - yet they do not have access or resources to effectively engage with adult decision-makers or with effective complaint mechanisms when they are denied the services and protection to which they are entitled. Nor are children typically consulted as stakeholders in society. Children and young people need a dedicated champion to put their interests higher on the public agenda. The appointment of an independent national advocate for children would offer a powerful focus for hearing children's voices on national issues that affect and concern them.

- **The gap at the federal level needs to be filled**

Independent child and youth advocates exist in most Canadian provinces and territories. However, while effective within their particular jurisdictions, the mandates of these offices do not extend to federal jurisdiction (and in some cases their mandates do not extend to represent all children within their province and territory). The lack of child-focused advocacy at the federal level creates a significant gap in ensuring equitable and coordinated access to legal protection and services for all Canadian children. Provincial and territorial child and youth advocates agree that a Canadian Commissioner for Children and Young People is a vital office for children, particularly in the resolution of inter-jurisdictional issues affecting Aboriginal and immigrant children.

Equity for all Children

Differences in the protection and provision of children's rights between provincial/territorial jurisdictions and between Aboriginal and non-Aboriginal children mean that Canada's children do not have equitable opportunities to develop to their fullest potential.

¹ See the Paris Principles Relating to the Status of National Human Rights Institutions (adopted by UN General Assembly in 1993) and the UN Committee on the Rights of the Child's General Comment No. 2 (2002) on the Role of Independent National Human Rights Institutions list the essential elements of such offices.

- **A national focus for children and their rights is missing**

Given Canada's affluence relative to most other industrialized nations, it is cause for concern when indicators of child well-being measured by the Organization for Economic Co-operation and Development (OECD) and other credible sources, such as the UNICEF Office of Research, rank Canada's children lower than the OECD average in a number of important areas related to health, risk behaviours and others.² There is also evidence that Canada invests considerably less in children than in other population groups, despite the lifelong costs to children and society of deprivation in the early years. Federal areas of jurisdiction such as immigration, social security, tax benefits, youth justice, on-reserve services, and divorce law are key issues for children that could be effectively addressed through the appointment of a national Commissioner. There are also many government decisions affecting children that fall outside child-focused departmental responsibilities, such as privacy and mobility. Failure to give due consideration to impacts on children or to address inequitable effects of legislation, policies and programs leads to increased social costs and decreased productivity for Canada as a whole.

In sum, a Canadian Commissioner for Children and Young People would ensure that the best interests of the child are considered in decision-making processes, promote greater collaboration across government and civil society in response to child rights issues, and provide an effective mechanism for preventing and addressing inequitable legislation, policies and programs.

What should a Canadian Commissioner for Children and Young People do?

A Canadian Commissioner for Children and Young People should be an independent statutory body with responsibility for a broad range of tasks, including:

- **Advising government** on laws, policies, budgetary allocations, service standards and practices that affect young Canadians;
- Conducting **studies** to assist in law reform and policy development;
- Developing consultation mechanisms and encouraging the **participation of children**;
- Making reports and **recommendations** to Parliament on any issue relating to children;
- Collaborating and coordinating with the community and business sectors to develop and strengthen **community understanding of the issues and experiences of children**;
- **Intervening** in court proceedings involving the rights of children and young people;
- Receiving and investigating **complaints** of breaches of children's rights through the implementation of a child-specific complaints resolution process;
- **Monitoring** children's health, well-being, development and participation to accurately monitor progress towards implementation of children's rights.

Essential features of Canadian Commissioner for Children and Young People

These features are essential to ensure the role is effective and meaningful:

- Independence from government
- Statutory authority and power, including security of tenure
- Adequate resourcing by Parliament
- Accessibility to children
- Exclusive focus on children under 18 years of age
- Ability to act proactively and to direct its own agenda.

² See UNICEF Report Card 11: *Child Well-Being in Rich Countries: A comparative overview*, 2013, where Canada ranked 17th out of 29 affluent countries across five dimensions of child well-being.