



## MEDIA STATEMENT

### Canada Needs to Walk the Talk

#### UN Human Rights Council's Committee on the Rights of the Child publishes "Concluding Observations" on Canada's implementation of a treaty it ratified in 1991

**(June 9, 2022—Ottawa):** Today, the United Nations Committee on the Rights of the Child published its "[Concluding Observations](#)" on Canada's child rights record, following a three-year exchange of documents and private and public meetings, the first review since 2012. Bill Jeffery, Executive Director of the Centre for Health Science and Law, made the following comment on the "Concluding Observations" as they relate to the CHSL's food and health mandate:

"Canada ratified the *Convention on the Rights of the Child* in 1991 and has spent the last three decades rationalizing its failure to comprehensively implement those rights in national and provincial law," said Bill Jeffery. "Canadian governments should heed advice to walk the talk, including curbing Canadian business abuses of children's rights and breathing life into these rights in school food programs and curriculum," he added.

The UN Committee addressed a myriad of specific issues, including the following in CHSL's mandate.

1. **School Food:** The federal government promised a national school food program in its 2019 budget, 2021 federal election platform, and 2022 federal budget. The Committee did not expressly urge governments to implement universal school meal programs, but did caution against using user fees at school (such as commercial food services to raise funds or using means-testing to provide food programs). It recommended:

*"Take immediate measures to remove the need for user fees at the level of compulsory education..."*

In 2013, the Committee issued [General Comment No. 15](#) to all governments stressing that:

*"School feeding is desirable to ensure all pupils have access to a full meal every day, which can also enhance children's attention for learning and increase school enrolment. The Committee recommends that this be combined with nutrition and health education, including setting up school gardens and training teachers to improve children's nutrition and healthy eating habits."*

2. **Advertising & Infant, Children & Teens:** Although the Committee did not expressly criticize Canada's failure to restrict advertising and promotion of breastmilk substitutes today as it did in its [2012 Concluding](#)

[Observations on Canada](#),<sup>1</sup> last month UNICEF reported that Canada scored lowest among 38 OECD countries in progress restricting the advertising and promotion of breastmilk substitutes, a distinction it shares with only three other rich countries<sup>2</sup>). Furthermore, in 2013 the Committee published [General Comment No. 16](#) on business and human rights which urged all governments that:

*“States are also required to implement and enforce internationally agreed standards concerning children’s rights, health and business, including the World Health Organization Framework Convention on Tobacco Control, and the International Code of Marketing of Breast-milk Substitutes and relevant subsequent World Health Assembly resolutions...Children may regard marketing and advertisements that are transmitted through the media as truthful and unbiased and consequently can consume and use products that are harmful. Advertising and marketing can also have a powerful influence over children’s self esteem, for example when portraying unrealistic body images. States should ensure that marketing and advertising do not have adverse impacts on children’s rights by adopting appropriate regulation and encouraging business enterprises to adhere to codes of conduct and use clear and accurate product labelling and information that allow parents and children to make informed consumer decisions.”*

And, today’s Committee report urges Canada to mandate due diligence by business actors to protect children’s rights (as the European Union will soon require):

***“Children’s rights and the business sector***

*[The] Committee recommends that [Canada] establish and implement regulations to ensure that the business sector complies with international and national human rights, labour, environment and other standards, particularly with regard to children’s rights...[and] Require companies to undertake...full public disclosure of the environmental, health-related and other children’s rights impacts of their business activities and their plans to address such impacts.”*

- 3. [Implementing Child Rights Impact Assessments, analogous to environmental impact assessments, gender-sensitive budgeting, and economic impact assessments, which are often mandatory and routine](#)**). The Committee urged Canadian governments to ensure that law and policymakers, government-budget-making officials, persons in authority, and children themselves are educated about children’s rights, for instance, the “Concluding Observations” state:

*“Ensure that human rights education and the principles of the Convention are integrated into the mandatory school curriculum across all provinces and territories and ensure that training on children’s rights is compulsory for teachers and professionals working for and with children;” ...It also recommends that the State party provide mandatory training on the rights of the child under the Convention and national law to all professionals working with and for*

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<sup>1</sup> In 2012, the Committee “[Concluding Observations](#)” on Canada stated: “The Committee also regrets that despite adopting the International Code of Marketing of Breastmilk Substitutes, the State party has not integrated the various articles of the International Code into its regulatory framework and as a result, formula companies have routinely violated the Code and related World Health Assembly resolutions with impunity.”

<sup>2</sup> UNICEF, WHO and the International Baby Food Action Network. *Marketing of breast-milk substitutes: National implementation of the International Code Status report 2022*. UNICEF, New York, May 2022. Available at: <https://www.unicef.org/media/120071/file/Marketing%20of%20Breast%E2%80%91milk%20Substitutes%20Status%20%20Report%202022.pdf>.

*children, including government officials, judicial authorities, and professionals who work with children in health and social services...Establish compulsory processes for ex-ante and ex-post impact assessments of all laws and policies relevant to children on the realization of the right of the child to have his or her best interests taken as a primary consideration...Improve its data collection system at the federal level in order to allow nationwide comprehensive monitoring of the rights of children...Conduct a comprehensive assessment of the budget needs of children...Utilize a child-rights approach in the elaboration of the State budget.”*

In 2020, CHSL participated in Department of Justice efforts to draft a Child Rights Impact Assessment tool and course on the mistaken understanding that it would be showcased for the UN Committee.

4. **Comprehensive implementation of children’s rights:** The Committee flagged the practice of touting provincial or territorial programs as indicative of progress in Canada without clarifying that they are not the usual practice in Canada or implying the federated system of governance is a barrier to fulfilling children’s rights, especially where the federal government has exclusive or concurrent jurisdiction with provinces. The Committee observed:

*“While welcoming the incorporation of the Convention into many subnational jurisdictions legislative preambles, the Committee reiterates once again that the State party develop a comprehensive law on children’s rights at the federal level in line with the principles and provisions of the Convention and ensure the equal implementation of its laws throughout the country...The Committee recalls its previous concluding observations and recommends that the State party adopt a national strategy that provides a comprehensive implementation framework for the federal, provincial and territorial levels of government spelling out as is appropriate the priorities, targets and respective responsibilities for the overall realization of the Convention and that will enable the provinces and territories to adopt accordingly their own specific plans and strategies. The Committee further recommends that the State party allocate adequate human, technical and financial resources for the implementation, monitoring and evaluation of this comprehensive strategy and related provincial and territorial plans.”*

5. **National and Ontario Children’s Rights Commissioners:** The Committee echoed widespread concerns about gaps in independent oversight. It stated:

*“The Committee is seriously concerned by the lack of an independent children’s rights commissioner at the federal level and regrets the closing of the Ontario Child Advocate’s office.”*

6. **Corporal Punishment:** The Committee repeated its [2012 Concluding Observations](#) about corporal punishment and [General Comment Number 11](#) in 2011 by stating that it:

*“urges [Canada] to: (a) Repeal Section 43 of the Criminal Code to remove existing authorization of the use of “reasonable force” in disciplining children and explicitly prohibit all forms of violence against all age groups of children within the family, in schools and in other institutions where children may be placed;”*

The Committee’s periodic review of Canada’s child rights record will resume on January 11, 2027.

**For further information, contact:** Bill Jeffery, Centre for Health Science and Law (CHSL) in Ottawa at [billjeffery@healthscienceandlaw.ca](mailto:billjeffery@healthscienceandlaw.ca); Skype: CHSLBillJeffery, or Mobile/Whatsapp: 613-565-2140.

**Background:** The Committee is a panel of 18 lawyers, social workers, child protection administrators, and a physician. The *Convention on the Rights of the Child* was adopted by the UN General Assembly in 1989 and ratified by Canada in 1991. It is the most widely ratified treaty in history and has been referenced by 27 Supreme Court of Canada judgements and hundreds of provincial court rulings as an aid to interpreting Canadian law. Opinions of the Committee are used to interpret laws by courts worldwide.

The [Centre for Health Science and Law urged](#) the Committee to review Canada’s record on food-related health issues and joined a cadre of Canadian housing and indigenous rights advocates in Geneva during hearings on May 17-18, 2022, and the Canadian Coalition for Children’s Rights (CCRA) advocating virtually from Canada on a wide range of child protection issues.

The [Centre for Health Science and Law submitted follow-up comments on May 20, 2022](#) to supplement the record (in light of comments made by Canadian officials and by Committee members). In 2019-2020, [more than 40 Canadian non-governmental organizations and human rights organizations submitted responses to the government’s official self-evaluation](#), some of which were updated in April 2022, including an [update by the Centre for Health Science and Law \(direct link\)](#) and the [Canadian Coalition for the Rights of Children](#).

The **Centre for Health Science and Law** is a non-profit health advocacy organization specializing in food and nutrition issues, especially concerning federal government law and policy. CHSL is accredited by the UN Economic and Social Council (ECOSOC) and a member of the International Association for Consumer Food Organizations and the Geneva Global Health Hub. Bill Jeffery and CHSL have intervened in food/health issues at the World Health Organization, Codex Alimentarius Commission, UN General Assembly, several committees of the UN Human Rights Council, 10 African government organizations through UNICEF, and an expert advisory committee of the International Development Law Organization.

The **Canadian Coalition for the Rights of Children (CCRC)** promotes the implementation of the *Convention on the Rights of the Child* and respect for children’s rights generally, including the repeal of [section 43 of the Criminal Code, ironically titled, “Protection of Persons in Authority,” which exempts them from prosecution for assaulting children](#). The Repeal-Section-43 campaign is supported by 600 NGOs including: **Amnesty International Canada, Boys and Girls Clubs of Canada, Canadian Medical Association, Canadian Nurses Association, Children’s Hospital of Eastern Ontario, Justice for Children and Youth, Kids Help Phone, Sick Kids Hospital, UNICEF Canada, YMCA & YWCA Canada, the Centre for Health Science and Law**, as well as 40 distinguished Canadians including: **The Hon. Louise Arbour**, former UN High Commissioner for Human Rights and former Justice of the Supreme Court of Canada; **Dr. Cindy Blackstock**, Indigenous rights lawyer-advocate; **The Hon. Roméo Dallaire**, retired Lieutenant-General and retired Senator; **Irwin Elman**, former president of the Canadian Council of Child and Youth Advocates and former Provincial Advocate for Children and Youth Ontario, 2009-2019;<sup>3</sup> **The Hon. Claire L’Heureux-Dubé** former Justice of the Supreme Court of Canada and former President of the International Commission of Jurists; **The Hon. Stephen Lewis** former global Deputy Executive Director of the UN Children’s Fund (UNICEF) and former Canadian Ambassador to the UN; and **Dr. Andrew Pipe**, former Chief Medical Officer to the Canadian Olympic team, founder of the Canadian Centre for Ethics in Sport, current Professor of Medicine at University of Ottawa, and member of CHSL’s Expert Advisory Board.

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<sup>3</sup> The Ontario legislature’s 2017 repeal of the statute empowering the Children’s Advocate was brought to the attention of the Committee.

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