



The Honourable Doug Ford
Premier of Ontario
Via email: premier@ontario.ca

November 18, 2024

The Honourable Jill Dunlop
Minister of Education
Via email: minister.edu@ontario.ca

The Honourable Doug Downey
Attorney General
Via email: Doug.Downey@ontario.ca

The Honourable Michael Parsa
Minister of Children, Community and Social Services
Via email: MinisterMCCSS@ontario.ca

Dear Premier Ford and Honourable Ministers:

RE: National Child Day and Opportunities to Implement the UN Convention on the Rights of the Child

We are writing on behalf the Child & Youth Law Section of the Ontario Bar Association (“OBA”) in recognition of World Children’s Day, celebrated in Canada as National Child Day. This important day is celebrated every year on November 20 to commemorate the adoption of the United Nations Convention on the Rights of the Child (“UNCRC”) in 1989. Ratified by Canada in 1991, and the most widely adopted of any international human rights treaty, the UNCRC recognizes children as rights-holders and places their human rights, needs, interests, and dignity at the centre of policy and decision-making and community values.

The UNCRC recognizes that children have rights that require special attention and protections, often distinct from rights protections for adults. Children have the right to maximum survival and development, to participate in decisions affecting them and to have their best interests considered in all actions concerning them, at all levels – from the personal to legislative. The UNCRC further articulates children’s rights to education, health care, social assistance, identity, privacy, and family. It also includes the right to be protected from violence, to special protection and care



when separated from family, and respect for their dignity and evolving capacities, among many others. These rights belong to all children.

On this National Child Day, the OBA invites the Government of Ontario to consider ways to promote and advance the rights of children, ensuring that all children have the opportunity to exercise and enjoy their rights and that Ontario's laws, policies, and institutions align with the UNCRC and Canada's commitment to the human rights of children.

Child Protection

The UNCRC affirms children's rights to protection from violence, abuse, maltreatment, and neglect, access to appropriate resources to support their mental and physical health, appropriate support to families to care for their children, and special protection and care for children who must be separated from family. As you know, the Government of Ontario has recently announced that it will undertake an audit of the child welfare system. We encourage Ontario to not only consider the financial position of children's aid societies, but – in concert with the 5-year review of the *Child, Youth and Family Services Act* (CYFSA) completed in 2023 and ongoing child welfare re-design - to use this as an opportunity to consider the adequacy of supports, services, appropriate placements, and resources to support children and families, particularly children with complex and disability-related needs, and Black and Indigenous children who are over-represented in the child welfare system.

We also note the unique and inter-generational circumstances and vulnerabilities of Indigenous children in Ontario, the province where the largest Indigenous population in Canada lives. The United Nations Declaration on the Rights of Indigenous Peoples is expressly incorporated in Canadian law and affirms specific rights for Indigenous children, including rights to education, improvement of their economic and social conditions, and protection from violence and discrimination. The Calls to Action of the Truth and Reconciliation Commission report also include a collective societal duty to act in accordance with and towards fulfilling the Calls to



Action. We encourage the Government of Ontario to keep these commitments to Ontario's Indigenous children at the forefront of its policy agenda.

Stakeholders across Ontario have provided the Ministry of Children, Community and Social Services with their feedback about important legislative updates to the *CYFSA* that are needed to address these concerns. We would ask the Government of Ontario to advise of the steps it is taking to implement the feedback it has received. This engagement with stakeholders has become even more urgent when we consider the recent tragic story of Neveah whose remains were found in a Toronto dumpster. We also urge the Government to take seriously the recent Ombudsman's reports concerning children's experiences in the child welfare system, including *A Voice Unheard: Brandon's Story* and *Rights Unrecognized: Mia's Story*.

Education

The UNCRC provides for children's right to an education that promotes the development of the child's full potential, respect for their dignity and identity, and their skills, learning and other capacities, self-esteem and self-worth. We urge your office to continue supporting and expanding initiatives aimed at addressing educational disparities – particularly those that affect Indigenous, racialized, newcomer, low-income children, and children with disabilities – so that all young Ontarians have equal access to quality education and resources that promote their success.

Opportunities for Engagement

Canada continues to be criticized by the UN Committee on the Rights of the Child for its failure to implement the provisions and UNCRC more fully. We therefore renew and expand our recommendations as to opportunities for Ontario to take action to implement and realize children's rights, below. The OBA represents nearly 16,000 lawyers, judges, notaries, law teachers, and law students province-wide, who work in almost every area of law, including child and youth law. We look forward to an opportunity to engage with you further to support Ontario's initiatives to demonstrate and deepen its commitment to children's rights.



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Thank you for your engagement on these important matters.

Sincerely,

Kathryn J. Manning
Ontario Bar Association, President

Katherine N. Batycky
Child & Youth Law Section, Chair



Opportunities for an Ontario-Lead Action Plan for World Children's Day 2024

- the re-establishment of an independent child advocate;
- ensuring the education, health care, child protection, community services and justice systems support and empower all children, including Indigenous children, children from minority communities, LGBTQ+ children, children in care, and children with disabilities;
- ensuring that hearing the voice of the child is a requirement for all official decision-making processes that relate to children, including the allocation of adequate resources to ensure that children's voices are heard promptly and effectively;
- full implementation of the Calls to Action made by the Truth and Reconciliation Commission and the National Inquiry into Missing and Murdered Indigenous Women and Girls;
- working with the federal government to ensure that Indigenous communities in Ontario receive the resources they require to ensure children's health and well-being;
- implementation of Child Rights Impact Assessments to assess the impact of proposed actions on children's rights and interests and ensure they are centred in all decisions of government that may affect them. This process is currently implemented in New Brunswick, and the Government of Canada has recently launched a [tool](#) for this purpose;
- participation in the Committee on the Rights of the Child's review, and meaningful engagement in FPT efforts to fulfill Canada's obligations to children under the UNCRC;
- support for a complaint mechanism under the UNCRC; and
- improved data collection for the status and needs of children within the province that accounts for their diverse needs and identities.