



THE CANADIAN
BAR ASSOCIATION
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June 15, 2108

Via email: justin.trudeau@parl.gc.ca

The Right Honourable Justin Trudeau, P.C., M.P.
Prime Minister of Canada
Office of the Prime Minister and Privy Council
80 Wellington Street
Ottawa, ON K1A 0A2

Dear Prime Minister:

Re: *Optional Protocol to the United Nations Convention on the Rights of the Child with regard to communications procedure*

On behalf of the Children's Law Committee of the Canadian Bar Association (CBA Committee), I write to you in your capacities as Prime Minister and Minister of Youth, to encourage your government to ratify the Optional Protocol to the United Nations Convention on the Rights of the Child on a communications procedure (Third Optional Protocol).¹

The CBA is a national association of over 36,000 lawyers, law students, notaries and law teachers. Among our primary objectives are improvements in the law and the administration of justice, and promoting the rule of law. The CBA Committee provides advice and responds to law, policy and legal research developments on matters affecting Canadian children. The CBA Committee includes representatives from a wide range of CBA Sections, including Constitutional and Human Rights, Aboriginal Law, Administrative Law, Alternative Dispute Resolution, Criminal Justice, Family Law, Health Law, Immigration Law, International Law, Privacy and Access Law, Public Sector Lawyers, Sexual Orientation and Gender Identify Community, Wills and Estates, and Women Lawyers.

Canada played a leadership role in the creation of the UN Convention on the Rights of the Child (UNCRC), the most widely and rapidly ratified human rights treaty in history. Canada also demonstrated its commitment to children and youth through its ratification of two of the three Optional Protocols to the UNCRC, the first on the involvement of children in armed conflict, and the second on the sale of children, child prostitution and child pornography.

Canada has yet to demonstrate its continued international leadership in the area of children's rights by joining the 51 signatories and 36 ratifying states to the Third Optional Protocol, which was open for signature on December 19, 2011 and came into force on April 14, 2014. The Third Optional

¹ Optional Protocol to the United Nations Convention on the Rights of the Child on a communications procedure: available at <https://bit.ly/2wgdpfG>.

Protocol establishes a procedure, for children from ratifying states who have not found a solution at the national level, to bring complaints about violations of their rights directly to the UN Committee on the Rights of the Child.

In December 2012, the Canadian government received the Concluding Observations of the UN Committee on the Rights of the Child regarding Canada's Third and Fourth Reports on the UNCRC. These Concluding Observations recommended, among other things, that Canada ratify the Third Optional Protocol to further strengthen Canada's recognition of children's rights.²

The mechanism created by the Third Optional Protocol is similar to the communications procedure of all other human rights treaty bodies. The Prime Minister has expressed his commitment that all Canadians, including Canadian children, are able to live with dignity.³ Living with dignity requires access to meaningful remedies to human rights violations.

This Government's declared intent is to build on Canada's record in human rights diplomacy.⁴ Leadership in this field, as in any other, must begin at home, and requires transparent and accountable mechanisms for keeping our promises to young people. Ratifying the Third Optional Protocol would send a strong message to the international community and UN member states that Canada is committed to supporting human rights, and the rights of children and youth in particular.

Canada has now had over five years to consider the Concluding Observations of the UN Committee on the Rights of the Child, including that Canada ratify the Third Optional Protocol. As Canada prepares to submit its Fifth and Sixth Reports to the UN Committee later this year, now is the time to reassert Canada's leadership in promoting children's rights by ratifying that protocol.

The CBA has repeatedly called on federal governments to move forward with implementation of the UN Committee's recommendations. CBA Presidents wrote to urge action and offer the Association's assistance, in March 2014, May 2016 and most recently in May 2018.⁵ We would welcome the opportunity to meet with you or your representatives to discuss how we can assist to achieve this important goal.

Yours truly,

(original letter signed by Sarah MacKenzie for Cheryl Milne)

Cheryl Milne,
Chair, CBA Children's Law Committee

cc. The Honourable Chrystia Freeland, P.C., M.P. (Chrystia.Freeland@parl.gc.ca)
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The Honourable Dr. Carolyn Bennett, P.C., M.P. (InfoPubs@aadnc-aandc.gc.ca)

² [Concluding observations on the combined third and fourth periodic report of Canada \(2012\)](#)

³ [Mandate letter to Minister of Families, Children and Social Development \(Sept 1, 2016\)](#)

⁴ [Prime Minister Trudeau to UN General Assembly 2016, 2017](#)

⁵ [Resolution 13-11-A](#); [Letter to Prime Minister Harper](#) (March 2014); [Letter to Prime Minister Trudeau](#) (May 2016); [Letter to the Prime Minister](#) (May 2018)