

CANADA'S RESPONSE TO THE UN QUESTIONNAIRE ON VIOLENCE AGAINST CHILDREN

I. LEGAL FRAMEWORK

International human rights instruments

1. *Describe any developments with respect to violence against children which have resulted from your country's acceptance of international human rights instruments. Provide information on cases concerning violence against children in which your country's courts or tribunals have referred to international or regional human rights standards.*

Canada ratified the Convention on the Rights of the Child in December 1991 and the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict in July 2000; in November 2001, it signed the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. Canada is also a party to the Convention against Transnational Organized Crime and its supplemental protocol to prevent, suppress and punish trafficking in persons, especially women and children, and to the ILO Convention (n° 182) concerning Worst Forms of Child Labour.

Information on relevant domestic developments, including cases decided by the courts, is included in Canada's reports under the *Convention on the Rights of the Child*, available on the Department of Canadian Heritage's Web site at: http://www.pch.gc.ca/progs/pdp-hrp/docs/crc_e.cfm

Legal provisions on violence against children

2. *Describe how forms of violence against children are addressed in your country's constitution, legislation and subsidiary legislation, and, where appropriate, customary law.*

Section 12 of the *Canadian Charter of Rights and Freedoms*, which forms part of the Constitution, protects everyone against cruel and unusual punishment or treatment. The right to security of the person under section 7 of the Charter also provides protection against torture and other inhumane treatment in certain contexts.

Canada is a federal state in which legislative jurisdiction is divided between the national Parliament and the provincial and territorial legislatures. Violence against children, and others, is addressed mainly through provisions of the *Criminal Code* of Canada, which is a federal statute that sets out the substantive elements of criminal offences. The *Criminal Code* also sets out the penalties that may be imposed on adults convicted of criminal offences. The *Youth Criminal Justice Act* relies on the substantive elements of the offence as set out in the *Criminal Code*, but provides a separate system for dealing with offenders aged between 12-18, including sentencing. Federal police services have developed a variety of law enforcement tools and strategies to address the problem of exploitation of children.

Provincial and territorial governments also play a role in addressing forms of violence against children with each enacting its own set of child protection legislation focused on the principle of the best interests of the child.

3. Provide details of any specific legislative provisions on: prevention of all forms of physical, sexual and mental violence, injury or abuse, neglect or negligent treatment, and sexual abuse; protection of children from all forms of violence; redress, including compensation, for child victims of violence; penalties for perpetrators of violence against children; reintegration and rehabilitation of child victims of violence.

While general criminal offences are applicable to violent acts against children, there are also a number of child-specific offences in the *Criminal Code*. For example, it is an offence for a parent, foster parent, guardian or head of family to fail to provide the necessities of life to a child under the age of 16 (s.215). This offence is currently punishable by a maximum of two years imprisonment. It is also an offence to abandon or expose a child under the age of ten to a situation so that the child's life is endangered or its health is, or is likely to be, permanently injured (s.218). This offence is also punishable by a maximum of two years imprisonment.

The *Criminal Code* contains extensive child-specific sexual offences. These offences include:

- sexual interference – direct or indirect touching for sexual purposes (s.151: 10 year maximum);
- invitation to sexual touching of a person under 14 years of age (s.152: 10 year maximum);
- sexual exploitation of persons between 14 and 18 years by persons in a position of trust or authority (s.153: five year maximum);
- incest (s.155: 14 year maximum);
- bestiality in presence of a child (s.160(3): 10 year maximum);
- offences related to child pornography (s.163.1: maximum 5 years for possessing and accessing; maximum 10 years for making, distributing, transmitting, making available, etc.);
- parent of guardian procuring sexual activity (s.170: 2-5 years maximum depending on the age of the child);
- householder permitting sexual activity (s.171: 2-5 years maximum depending on the age of the child);
- corrupting children (s.172: 2 year maximum);
- luring a child over the Internet to commit a sexual offence (s.172.1: maximum penalties are the same as for the substantive sexual offence in question);
- exposure of genitals for a sexual purpose to a person under 14 years of age (s.173(2) of the *Criminal Code*) and;
- offences related to child prostitution (ss. 212(2), (2.1) & (4): between 5-14 years maximum with a mandatory minimum penalty of 5 years for aggravated procuring).

The *Criminal Code* also includes measures to improve the treatment of sexual assault complainants under 18 by allowing them to testify outside of court or behind screens and allowing the use of their videotaped testimony in certain cases (subsection 486(2.1) and section 715.1 of the *Criminal Code*). Moreover, the *Criminal Code* contains provisions authorizing courts to order specific prohibitions for convicted sex offenders, as well as protective orders and other administrative processes in sexual assault cases involving children. Examples include ordering convicted sex offenders to stay away from parks and schools and prohibit them from working in positions of trust with children. A judge can also prohibit accused sex offenders from personally cross-examining child victims. Section 718.2(a)(ii) of the *Criminal Code* provides that where an offender has abused his or her child

or the child of his or her spouse or common-law partner, this would have to be considered by the court as an aggravating factor and could result in a harsher sentence.

The *Sex Offender Information Registration Act*, which received Royal Assent on April 1, 2004, establishes a national sex offender database containing information on convicted sex offenders. This database is maintained by the Royal Canadian Mounted Police (RCMP) and is intended to assist police in investigating crimes of a sexual nature by providing them with rapid access to current vital information of convicted sex offenders.

The provinces and territories are primarily responsible for the administration and enforcement of laws relating to children and youth, as well as the provision of socio-legal services geared towards children. Where appropriate, each jurisdiction works collaboratively to assist the other in meeting and enhancing their policies and programs relating to children.

Information on specific legislation in the provinces and territories is provided in the table below.

Child Protection Legislation in the Provinces/Territories	Age of Protection/ Extended Care Provisions	Mandatory reporting and penalties for failing to report
Newfoundland and Labrador, <i>Child Youth and Family Services Act (CYFSA)</i>	Age of protection – under 16 years Extended care provisions – 21 years	Mandatory reporting and failure to report child abuse or neglect may lead to a fine up to \$10,000 or possible imprisonment of up to six months.
Prince Edward Island <i>Child Protection Act</i> , proclaimed April 2003, C-5.1	Age of protection – 16 years Extended care provisions – 18 years	Mandatory reporting with a penalty of up to \$2,000, for failing to report neglect or abuse. Only exception is privileged solicitor-client relationships.
Nova Scotia <i>Children and Family Services Act (CFSA) 1990</i>	Age of protection – under 16 years Extended care provisions – 21 years	Mandatory reporting with a possible fine of up to \$2,000 or/and imprisonment of up to 6 months. A professional or official who has been involved with the child but fails to report any abuse may face a fine up to \$5,000 and/or possible imprisonment of up to 1 year.
New Brunswick <i>Family Services Act, S.N.B. 1980, c. F-2.2</i> <i>Education Act, S.N.B. 1997, c. E-1.12</i>	Age of protection – 16 years and included disabled persons under the age of 19 Extended care provisions – beyond 19 years Age of protection – All public school students	Mandatory reporting in instances of abuse under the age of 16, penalties for not reporting for professionals who fail to report subject to fine up to \$7,500 or jail term up to 90 days. Recent amendments to the <i>Education Act</i> have introduced mandatory reporting requirements for school personnel and all professionals. Professionals who fail to report are subject to a fine of up to \$7,500 or jail term up to 90 days.
Québec <i>Loi sur la protection de la jeunesse (Youth Protection Act). R.S.Q. c. P-34.1</i>	Age of protection – 18 years	Mandatory reporting for professionals, employees of an institution, teachers or police officers who in the performance of their duties have grounds for reporting abuse. A penalty for not reporting is a fine between \$250 to \$2,500.

Ontario <i>The Child and Family Services Act</i>	Age of protection – 16 years (If a court order is in place before the child's 18 th anniversary, a child can be in Society care until the age of 18.) Extended care provisions – 21 years crown wards only	Mandatory reporting and any professional who refuses to do so is liable on conviction to a fine up to \$1,000.
Manitoba <i>The Child and Family Services Act</i>	Age of protection – 18 years Extended care provisions – 21 years	Mandatory reporting, failure to do so results in the person committing an offence punishable on summary conviction, possible fine up to \$500 and/or six month jail term. Legislative amendments to the Act are being proposed which will enhance the penalties for summary convictions to ensure that penalties for offences related to child protection issues are commensurate with the serious of the offence.
Saskatchewan <i>The Child and Family Services Act (CFSA)</i>	Age of protection – unmarried person under 16 years Extended care provisions – 21 years permanent wards or long term agreement	Mandatory reporting and failure to report is punishable by a prison term of up to 24 months and/or a maximum fine of up to \$25,000.
Alberta <i>Child, Youth and Family Enhancement Act</i> (to be proclaimed in Fall 2004)	Age of protection – 18 years Extended care provisions – 22 years	Mandatory reporting and failure to do so is an offence liable to a fine of no more than \$2,000 and, in default of payment, to imprisonment for up to 6 months.
British Columbia <i>Child, Family and Community Service Act</i>	Age of protection – 19 years	A person who fails to report a child in need of protection or knowingly reports false information commits an offence and is liable to a fine up to \$10,000 and/or imprisonment term of up to 6 months. Section 28 and 98 help to protect children from a named individual (i.e. this could be a violent person).
Northwest Territories <i>Child and Family Services Act</i>	Age of protection – 16 years Extended care provisions – 19 years	A person failing to report is guilty on a summary conviction to a fine not exceeding \$5,000 or/and imprisonment for a term not exceeding six months.
Yukon <i>Children's Act</i>	Age of protection – 18 years Extended care provisions – 19 years	False or malicious reporting may result in a fine of up to \$5,000 and/or imprisonment of up to 6 months.
Nunavut <i>Child and Family Services Act (CFSA)</i>	Age of protection – 16 years Extended care provisions – 19 years	A person failing to report is guilty on a summary conviction to a fine not exceeding \$5,000 and/or imprisonment for a term not exceeding 6 months.
Based on data from the Federal/Provincial/Territorial Working Group on Child and Family Services Information, 2002 (as cited in <i>Family Violence in Canada: A Statistical Profile 2003</i>) and the federal-provincial-territorial Continuing Committee of Officials on Human Rights.		

In Ontario, physical harm caused by a pattern of neglect is now a basis for finding a child to be in need of protection.

Most provinces and territories have enacted civil (non-criminal) domestic violence legislation (Alberta, Manitoba, Northwest Territories, Nova Scotia, Ontario (enacted but not yet proclaimed into force), Prince Edward Island, Saskatchewan, and Yukon). Typically, this legislation seeks to provide a range of civil remedies to victims of domestic violence that

complement criminal law processes and include short-term emergency intervention or protection orders and longer-term victim assistance orders. They also enable applicants to seek, as part of a prevention order, reimbursement from the offender for any monetary loss suffered by the applicant as a result of the domestic violence of stalking. Applications under this type of legislation can be brought on behalf of minor children/victims of domestic violence.

For example, in Alberta, the *Protection Against Family Violence Act* protects all family members – seniors, women, men and children – from family violence. Victims of family violence can be protected through emergency protection orders or Queen’s Bench protection orders. Emergency protection orders can provide immediate protection to victims of family violence. This order can be obtained by a police officer 24 hours daily, on behalf of the victim, through a presiding justice of the peace. A Queen’s Bench protection order provides long-term protection from family violence. This order can remain in effect for up to one year, at which time an extension may be requested.

The Manitoba *Domestic Violence and Stalking Prevention, Protection and Compensation Act* provides persons subjected to stalking and/or domestic violence with the ability to seek a wide-range of civil remedies to address their individual needs and contains specific provisions enabling persons to apply for protection orders (available without notice to the perpetrator on an urgent basis) on behalf of minors and to seek, as part of a prevention order, compensation for any monetary loss suffered by the applicant as a result of the domestic violence or stalking. Amendments to this Act, assented to June 10, 2004, but not yet proclaimed, will extend the ability to seek protective relief on the basis of domestic violence to persons in domestic relationships and to family members, even if they have never lived together. It will also specify the ability of an applicant to seek compensation for monetary loss suffered by any child of the applicant.

Saskatchewan has a Victims Compensation Program, which provides compensation to a person who has suffered physical, mental, emotional or economic harm by reason of an act that is in violation of one of the criminal offences (personal violent crimes) described in the Regulations. While compensation may not help with all of the concerns of child victims of crime, it is one way to acknowledge the effect of the crime and help pay for some of the associated costs. Types of expenses covered by the program are most medical expenses authorized by a physician, dental expenses, counselling, survivors benefits for dependent children, funeral expenses and travel costs. If the costs are covered by other sources, then compensation would not be payable. Saskatchewan does not provide payments of compensation for pain and suffering.

4. *Indicate whether any specific legislative provisions address all forms of violence including physical, sexual and psychological violence, injury or abuse, neglect or negligent treatment and sexual exploitation against children which take place in the family/ home; the schools and pre-school care and education; military schools; ...*

Offences pertaining to violence set out in the *Criminal Code* apply to all forms of violence, including violence against children, that occur on Canadian soil, regardless of whether they occur within the home, school, military school, medical institution, correctional facility, detention centre, workplace or sporting facility. In some cases, as regards to child sex tourism for instance, criminal liability extends beyond Canadian territory where the accused is a Canadian citizen or permanent resident.

Criminal offences cover the vast majority of acts of violence against children with the exception of some forms of psychological abuse or neglect that do not meet the threshold for criminal offences under provisions such as criminal negligence, criminal harassment, threats or intimidation; however, in such cases provincial and territorial child protection laws would likely provide protection remedies. Provincial and territorial child protection laws provide for state intervention where parents or legal guardians are unable or unwilling to provide a minimum standard of care for their children. The minimum standard covers the child's physical well-being and has been expanded to include the child's emotional and psychological needs although the concept is less defined. The primary consideration in determining the child's welfare lies in the "best interests of the child" which is assessed on the civil standard of proof, namely a "balance of probabilities" as opposed to the criminal standard of "beyond a reasonable doubt".

Provincial and territorial jurisdictions also have additional protective provisions for children in particular situations, for example, in British Columbia, the Child Care Licensing Regulation to *the Community Care and Assisted Living Act* requires that licensed childcare providers ensure that children are not subjected to emotional, physical or sexual abuse or to physical or emotional neglect. The Regulation also provides specific standards with respect to prohibited forms of discipline. In Alberta, the *Social Care Facilities Licensing Act* Child Care Regulation also prohibits the use of corporal punishment against a child.

In Saskatchewan, The Child Care Regulations, 2001, to *The Child Care Act* contain provisions related to the management of children receiving childcare services in a childcare facility. They provide that the following practices are not permitted methods of child management: corporal punishment; physical, emotional or verbal abuse; denial of necessities; isolation; inappropriate physical or mechanical restraint. They also require a licensee of a child care facility to develop a written policy with respect to child management that is consistent with this, and to ensure that all employees and volunteers who provide child care services comply with the policy.

5. ***Indicate if corporal punishment of children, in any setting, including in the family, is explicitly prohibited in your legal system. Provide details of any legal defences available to those who administer corporal punishment to children, including in the family. Provide information on penalties applicable to those who administer corporal punishment to children, including in the family.***

The Government of Canada takes its responsibilities seriously in ensuring the safety and security of Canada's children as a critical component of their healthy development and human rights. The Government does not support the "spanking" of children but neither does it condone the criminalization of Canadian parents for disciplinary conduct that is undertaken in a reasonable way that takes into account the needs and best interests of children.

The Government of Canada's response to the issue of corporal punishment of children by parents has been two-pronged: it supports programming and policies that promote child development and well-being and which include parenting education that advocates against the use of physical child discipline and supports the use of alternative measures of discipline; and it continues to support the use of criminal sanctions in all situations that raise the potential for harm to a child. The Government maintains, however, that it is not in the best interests of children or Canadian society to bring the full force of the criminal law to bear on parents who give a mild, non-injurious spank to a child. Legal protection of children's best

interests is also provided through child protection laws enacted by each province and territory. This response reflects the well-developed and interconnected panoply of Canadian legal and social systems that include the criminal law, provincial/territorial child protection laws and non-legal measures.

In Canadian criminal law, assault is defined as any non-consensual application of force. Such a definition would capture a broad range of conduct occurring within the normal course of parenting activities, such as placing an unwilling child in a car seat, or in his or her room for a “time-out.” Therefore, the criminal law includes a narrow exception, in the form of a defence, for parents and teachers in limited circumstances; section 43 of the *Criminal Code* provides that a parent, teacher or person acting in the place of a parent is justified in using force to correct a child that is under his or her care provided that the force used is reasonable in all of the circumstances.

This narrow defence was recently considered by the Supreme Court of Canada and upheld as constitutional under Canada’s *Charter of Rights and Freedoms* in the courts (*Canadian Foundation for Children, Youth and the Law v. The Attorney General of Canada* (2004)). The Supreme Court of Canada clarified that the defence is only available in situations where “minor corrective force of a transitory and trifling nature” is used; it does not apply to excuse, for example, corrective force that: is used on children under 2 years or over 12 years of age; involves the use of objects or implements; or, is applied to a child’s head.

In some provinces, legislation explicitly prohibits the use of corporal punishment in schools, for example, the Newfoundland and Labrador *Schools Act* and the Québec *Education Act*. In other provinces, such as Alberta and Manitoba, school boards have jurisdiction over this issue and the few school boards (if any) which would seek to retain this form of discipline will have to do so within the narrow framework of permissible use as outlined by the Supreme Court.

The Saskatchewan Department of Community Resources and Employment has policies prohibiting the use of corporal punishment in mandated programs. The Children’s Services manual clearly states: “In the best interest of children in care and foster families, corporal punishment is prohibited.” The *Adoption Act* policy indicates that adoptive parents who continue to indicate a preference for corporal punishment following a thorough discussion on parenting and discipline methods with an adoptive worker will not be approved as prospective applicants.

6. Provide information on whether the penal code permits corporal punishment and/or capital punishment as a sentence for crimes committed by under 18 year olds.

Corporal punishment and/or capital punishment are not permitted as a sentence for crimes committed by any individual, regardless of age, under the *Criminal Code* or any other federal legislation.

7. Provide details on whether bullying/hazing and sexual harassment are explicitly addressed by legislation.

The *Criminal Code* and the *Youth Criminal Justice Act* could be applicable to certain cases of bullying, hazing or sexual harassment depending on the nature of the acts and the ages of the offender and victim. For example, bullying involving threats of harm to the child, forcible

confinement, criminal harassment, physical or sexual assaults (including any unwanted sexual touching) would constitute a criminal offence.

Provincial and territorial laws also address this issue. For example, Manitoba recently amended *The Public Schools Act* to require all schools to establish a code of conduct for pupils and staff, and to review the plan at least annually. The code of conduct must include an indication that, amongst other things, bullying or abusing physically, sexually or psychologically any person is unacceptable. It must also set out in detail, to the extent possible, the disciplinary consequences of violating the code of conduct. In addition, the prohibition against harassment in section 19 of *The Human Rights Code* (Manitoba) prohibits a course of abusive and unwelcome conduct or comment not just of a sexual nature, but with respect to any of the other enumerated group characteristics such as religion, ethnicity, sexual orientation, physical or mental disability, etc.

In response to a tragic shooting in the province of Alberta in 1999, the Premier of Alberta established the Task Force on Children at Risk to look at issues facing children at risk. A series of recommendations was developed that have influenced policy and program development. Province-wide consultations were held culminating in the Roundtable on Family Violence and Bullying held May 7, 2004. As a result of the Roundtable, a provincial co-ordinator for family violence and bullying issues was recruited and a framework to guide strategic actions has been completed.

In June 2003, the Safe Schools Task Force completed a report on bullying, harassment and violence in British Columbia schools. The report "Facing Our Fears - Accepting Responsibility" (June 2003) contained a number of recommendations for improving school safety. Three recommendations in the report called for action on the part of the Ministry of Education and have led to the development of *British Columbia's Safe Schools Strategy - Safe, Caring and Orderly Schools* (<http://www.bced.gov.bc.ca/sco/>). In addition, the British Columbia *Human Rights Code* provides recourse to individuals who experience sexual harassment.

8. *Provide information on the way in which harmful or violent traditional practices, including but not limited to female genital mutilation, child marriage or honour crimes are addressed in your country.*

Criminal law has always prohibited female genital mutilation (FGM) under Canada's assault/ aggravated assault provisions, but two specific *Criminal Code* amendments have been enacted as well: in 1997, the aggravated assault provision was amended to specifically include FGM and in 1993, it became an offence to do anything for the purpose of removing a child who is ordinarily resident in Canada with the intention of committing one of a list of offences, which includes aggravated assault.

The federal government also promotes public and professional awareness of FGM issues — for justice, health, social service sector professionals, as well as community members. For example, it supported the development of "Female Genital Mutilation: Workshop Manual" (1998), in consultation with affected communities, for use as a training tool for these communities, addressing FGM related health, legal and cultural issues. A Network on FGM was also formed, consisting of representatives from affected communities, government, non-governmental organizations and health care providers. The resulting document, "Female

Genital Mutilation and Health Care: Current Situation and Legal Status: Recommendations to Improve Health Care of Affected Women" was released in the fall of 2000.

Other harmful or violent traditional practices would be addressed through certain provisions of the *Criminal Code*, depending on the nature of the act and the age of the offender and victim. For example, "honour crimes" involving harm or threats of harm to a child, forcible confinement, criminal harassment, physical or sexual assaults would constitute a criminal offence. Similarly, "child marriage" whereby a criminal offence is perpetrated would be subject to sanctions under the *Criminal Code*, as well as protections under provincial and territorial legislation. Depending on the age of the child and the consents obtained (or lack thereof), the "marriage" may not be recognized in Canada. (See response to Question 15 on minimum age of marriage.)

- 9. Provide information on the applicability of specific provisions to address all forms of violence against children to non-citizens and stateless children, including asylum seekers and displaced children. If specific provisions do not apply to such children, provide details of protection offered to them.**

As noted under Question 4, criminal law provisions apply to anyone who commits an offence on Canadian soil; the nationality of the victim is irrelevant. For information on the *Immigration and Refugee Protection Act* and how it applies to children, please consult "Responses of Canada to the Committee on the Rights of the Child" (page 146).

- 10. Provide information on any difference in the definition of violence and the applicable legal framework according to: the sex or sexual orientation of the victim and/or of the perpetrator; the age of the victim and /or of the perpetrator; or the relationship between the victim and the perpetrator, including, but not limited to infanticide, sexual violence in marriage, incest and sexual abuse within the family, and physical chastisement.**

Although the *Criminal Code* does not define "violence", provisions addressing violence protect all victims and apply to all perpetrators, regardless of the sex, sexual orientation, or age of the victim or perpetrator, and regardless of the relationship between the perpetrator and the victim, with limited exceptions: 1) the portion of the aggravated assault provision which addresses female genital mutilation obviously applies only to females as victims; 2) the incest provision applies only to persons related by blood (i.e. parent, child, brother, sister, half-brother, half-sister, grandparent or grandchild); and 3) the *Criminal Code* contains a limited defence to a criminal charge of assault where non-injurious force is used to correct a child. The defence is available to a limited number of persons and only in very limited circumstances (see response to question #5 above).

- 11. Provide information on any recent comprehensive review of the legal framework to address violence against children.**

Bill C-12, *An Act to amend the Criminal Code* (protection of children and other vulnerable persons) and the *Canada Evidence Act*, was awaiting Second Reading in the Senate when it died on the Order Paper with the dissolution of Parliament in May 2004. Bill C-12 proposed child pornography amendments that would have broadened the definition of written child pornography and narrowed the existing defences for child pornography to a single harms-based defence (public good). It also proposed the creation of a new prohibited category of sexual exploitation and increased the maximum sentences for certain offences committed against children such as sexual exploitation and abandonment of a child or failure to provide

the necessities of life. The abuse of a child in the commission of any *Criminal Code* offence would also have to be considered as an aggravating factor by the court and could result in a harsher sentence. The Government of Canada has reaffirmed its continuing commitment to protect children against sexual exploitation in the forthcoming Parliament.

Some provinces have also undertaken legislative reviews. For example, since September 2000, the Aboriginal Justice Inquiry-Child Welfare Initiative (AJI-CWI) has been working to develop and implement the plan to restructure the child welfare system in Manitoba. This restructuring had its roots in recommendations in the 1991 Aboriginal Justice Inquiry report, and has resulted in the expansion of off-reserve authority for First Nations and the establishment of a province-wide Métis mandate. The initiative is currently at Phase 4 (implementation) of this 5-stage process.

Also, a review of Alberta's *Child Welfare Act* was announced in 2001. The review included extensive research and public consultation. As a result of the consultations and input, the Act was completely rewritten. The new *Child, Youth and Family Enhancement Act* will come into force in the Fall 2004.

12. Provide information on any studies and surveys which have been undertaken to assess the impact of legal measures to address violence against children.

Please see response to question 48 of the present questionnaire.

Courts tasked with addressing violence against children

13. Identify those parts of the court structure in your country tasked with addressing violence against children. Indicate if your family or juvenile courts have specific responsibility for this issue.

In Canada, the criminal courts of each province deal with crimes of violence against children committed by adults. In accordance with section 2 of the *Criminal Code*, the matter would be heard by a superior court judge; the Court of Quebec (in Quebec); the Ontario Court of Justice (in Ontario) or a provincial court judge. Youth between the ages of 12-18 who are charged with crimes of violence against children are dealt with by separate youth criminal justice courts.

Minimum age for sexual activity

14. Provide information on any legislatively defined minimum age required for valid consent to sexual activity. Is this age different for girls and boys? Is this age different in respect of heterosexual and homosexual activities?

The *Criminal Code* prohibits all forms of sexual activity (ranging from sexual touching such as kissing to sexual intercourse) below the age of consent, regardless of gender. However, any non-consensual sexual activity — regardless of age — is a sexual assault. The age of consent is 18 years where there is a relationship of trust, authority or dependency or where it involves prostitution or child pornography. It is otherwise 14 years, unless it involves a peer: a 12 or 13 year old can legally consent to sexual activity with a peer provided that the other person is at least 12 but under 16, is less than 2 years older than the 12/13 year old, and there is no relationship of trust, authority or dependency. It should be noted that although the

Criminal Code currently sets the age of consent at 18 years for anal intercourse, this provision has been found to be unconstitutional by three provincial Courts of Appeal.

Former Bill C-12 — Protection of Children and Other Vulnerable Persons (described at #11) had proposed the creation of a new prohibition that would have provided youth between 14 and 18 years of age with greater protection against sexual exploitation. Specifically, it would have required the courts to consider if a relationship is exploitative of the young person based on the nature and circumstances of the relationship, including the age of the young person, any difference in age, the evolution of the relationship, and the degree of control or influence exercised over the young person.

15. *Provide information on the minimum age of marriage for women and men.*

Provinces and territories set out the minimum age of individuals who want to marry in their jurisdiction. Generally, the “age of majority” of the jurisdiction (18 or 19 depending on the province or territory) governs, although marriage can take place if under the age of majority provided certain age restrictions and consent requirements are met. No distinction is made on the basis of gender, except for those situations in some jurisdictions where the law provides special rules for a female who is pregnant or has a child.

Sexual exploitation of children

16. *Provide information on legislation and other measures to prevent the commercial sexual exploitation of children, including through prostitution and other unlawful sexual activities. Provide details on means to ensure that child victims of such exploitation are not criminalized. Provide information on legislation or other measures to prohibit all forms of sale or trafficking in children, including by their parents.*

Canada signed the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography in November 2001 and has undertaken measures to facilitate its ratification in the near future.

In order to achieve the goal of protecting children from exploitation, the Government of Canada has taken a multi-pronged approach. First of all, though *Criminal Code* provisions and policies are in place to directly combat exploitation. These measures are constantly being reviewed and, when needed, improved to better protect children from harm. Secondly, federal police services, in partnership with law enforcement across Canada are working on developing a variety of tools and strategies to address the problem of sexual exploitation of children on the Internet. Thirdly, in recognition that legislation and law enforcement alone cannot provide the solution, programs and initiatives are undertaken to encourage the mobilization of communities and non-governmental organizations as they work to protect children and youth from exploitation.

In addition to the provisions described below, some provinces and territories have also enacted specific legislation to protect children from sexual exploitation. For example, in Alberta, the *Protection of Children Involved in Prostitution Act*, which came into effect in February 1999, recognizes that children involved in prostitution are victims of sexual abuse. Under the Act, the Government of Alberta has introduced programs and services to help children end their involvement in prostitution.

Legislation has also been implemented in Saskatchewan to hold accountable and deter those who would exploit children from sexual purposes, and strengthen protections and support services for victims. The *Emergency Protection for Victims of Child Sexual Abuse and Exploitation Act* also recognizes children exploited in the sex trade as victims. The Act allows police, child protection staff and other designated persons to apply to a Justice of the Peace, on an emergency basis, for an Emergency Protection Intervention Order. Amendments to *The Highway Traffic Act* permit police to seize vehicles used in the commission of a prostitution offence, and the province to suspend the licenses of those convicted of such offences. The Act also creates an offence of repeatedly driving or parking a vehicle, without lawful excuse, in an area that is frequented by sex trade workers.

Public Prosecutions and the Saskatchewan Police Commission have also issued policies that recognize sexually exploited children and youth as victims and seek to ensure that those who offend against these children are charged and, if convicted, receive meaningful penalties. The Public Prosecutions Policy Directive also calls on prosecutors to divert prostitution charges against children and youth whenever appropriate.

Child Prostitution

In Canada, it is illegal to purchase sex from a person under the age of 18 (s.212(4) of the *Criminal Code*). This provision was specifically amended on a number of occasions to make it easier to arrest customers of young prostitutes. In 1997, the *Criminal Code* was amended to make it illegal to procure the sexual services of young people who are under 18 or who hold themselves out to be under the age of 18. Then in 1999, the *Criminal Code* was again amended to make it an offence to communicate for the purposes of obtaining a child prostitute; thus allowing police decoys to be used in laying charges. This offence carries a maximum penalty of five years imprisonment.

It is also illegal to live wholly or in part on the avails of prostitution of a person under the age of 18 (s.212(2)). This offence carries a maximum penalty of fourteen years imprisonment. In addition, under the offence of “aggravated procuring” (s.212(2.1)), the *Criminal Code* imposes mandatory jail terms of five years upon those convicted of exploiting juvenile prostitutes through violence and coercion.

Child Sex Tourism

The *Criminal Code* extends criminal liability for sexual offences such as obtaining or attempting to obtain the sexual services of a person under the age of 18 years, that were committed outside Canada by Canadian citizens or permanent residents (s.7(4.1)). The consent of the Attorney General is a precondition of a prosecution under section 7(4.1).

Internet Luring

Section 172.1 of the *Criminal Code* specifically makes it an offence to communicate via a “computer system” with a person under a certain age, or a person whom the accused believes to be under a certain age, for the purpose of facilitating the commission of certain sexual offences in relation to children or child abduction. Depending on the offence being facilitated, the requisite age or believed age of the victim is: 18, 16 or 14. Internet luring of children contrary to section 172.1 is punishable on summary conviction by a fine of up to \$2,000 and/or imprisonment for up to six months, or, on an indictment, by imprisonment for up to five years.

In addition, recognizance orders are available under section 810.1 of the *Criminal Code*, where there is a fear of sexual offences against a child (discussed below under child pornography).

High Risk Offenders

In 1997, the *Criminal Code* amendments created a new category of serious offender, called a “long-term offender” (s.753.1), who would be subject to a “long-term supervision order”. The order is designed for offenders facing a sentence of at least two years for various sexual offences where the court is satisfied that there is a substantial risk of reoffending. In such cases, a sentencing court may order a lengthy period (up to ten years) of post-release supervision in the community. In 2002, the new Internet child-luring offence in section 172.1 was added to the list of offences for which a long-term offender order may be made.

Trafficking in Children

The *Immigration and Refugee Protection Act* includes a trafficking in persons offence that provides for severe penalties: fines of up to \$1 million and imprisonment for up to life and lists specific aggravating factors that a court can take into account when determining the appropriate penalty, such as subjecting a trafficking victim to humiliating or degrading treatment, including with respect to work or health conditions or sexual exploitation. The Act also contains a new inadmissible class to deal specifically with human traffickers. It allows for the forfeiture of money and property seized from traffickers and contains a single and comprehensive prohibition against the possession and use of fraudulent immigration related documents.

In addition, a broad range of *Criminal Code* offences could apply to trafficking in children, for example: kidnapping (ss.279(1); forcible confinement (s.279(2)); abduction (ss.280-6); uttering threats (264.1(1)); assault (ss.265 and 266); assault with a weapon (s.267); sexual assault (ss.271 and 272); extortion (s.346); obstruction of justice through intimidation of witnesses (s.139(2)); corrupting children, s.172; householder or occupier permitting sexual activity with a person under 18 years of age, s.171; prostitution-related offences, and organized crime provisions.

In March 2004, the Canadian Minister of Justice and Attorney General of Canada announced several actions to combat trafficking in persons including the development of a comprehensive federal anti-trafficking strategy; consideration of whether to incorporate a specific offence on trafficking in the *Criminal Code*; a new task force within the Royal Canadian Mounted Police; and awareness raising activities.

Pornography and harmful information

17. Provide information on legislation and other measures to prohibit the production, possession and dissemination of child pornography. In particular, please provide information on any controls on pornography produced and/or disseminated via the Internet.

Under the *Criminal Code*, Canada has, since 1993, prohibited:

- Making, printing, publishing or possessing for the purpose of publication, any child pornography. This carries a maximum penalty of 10 years imprisonment on indictment.

- Importing, distributing, selling or possessing for the purpose of distribution or sale, of any child pornography. This carries a maximum penalty of 10 years imprisonment on indictment.
- Possession of child pornography. This carries a maximum penalty of 5 years imprisonment on indictment. The Supreme Court of Canada upheld the constitutionality of the possession offence with a very narrow exception: it does not apply to self-authored works of the imagination that are made and kept solely for one's personal use – the child pornography offences do apply, however, to self-authored works of the imagination that are shared or otherwise disseminated.

In July 2002, the *Criminal Code* was further amended to include additional child pornography prohibitions:

- Transmitting, making available, exporting or possession for the purpose of transmitting, making available or exporting any child pornography. This carries a maximum penalty of 10 years imprisonment on indictment; and
- Accessing child pornography. This new accessing offence carries a maximum penalty of 5 years imprisonment on indictment.

At the same time, the *Criminal Code* was amended to enable courts to order the deletion of child pornography posted on Canadian computer systems such as Web sites and to create a new offence of luring or using a computer system such as the Internet to communicate with a child for the purpose of committing a sexual offence against that child.

The *Criminal Code* permits courts to make protective orders to better protect children against known child sexual offenders. Specifically:

- section 161 permits courts, at the time of sentencing persons for specified sexual offences against children under age 14, to impose a ban that can last up to a lifetime, prohibiting them from attending places normally frequented by children (e.g. parks) or from holding paid or volunteer positions that involve trust or authority over children; and
- section 810.1 similarly permits a court to order a person to enter into a recognizance to prevent him or her from attending places normally frequented by children (e.g. parks) or from holding paid or volunteer positions that involve trust or authority over children. Such an order can be obtained on application by any person who can establish a reasonable fear that the person in question will commit one or more of the enumerated sexual offences against a person under the age of 14. Such an order can last up to a maximum period of 12 months.

In April 2003 the National Child Exploitation Coordination Centre was developed to act as an information portal and coordination centre for all international tips relating to the sexual exploitation of children on the Internet. Also included within the mandate of the centre are: creation of 2 databases which will support law enforcement in their investigations, creating national training and operational standards to ensure consistency of investigations, coordinating large international based operations involving sexually exploitive images of children on the Internet, providing input to Department of Justice to improve legislation

creating viable crime prevention strategies and building partnerships with industry and non governmental organizations.

In May 2004, the Government of Canada launched a national strategy to protect children from sexual exploitation on the Internet. Over the next five years, the Government will commit just over \$42 million to expand the RCMP's national co-ordination center and provide law enforcement with better tools and resources to investigate Internet-based child exploitation. As part of the Strategy, some of this funding will be used to provide better public education and reporting, and to build stronger partnerships among governments, industry and other stakeholders. This will be accomplished by enhancing Industry Canada's SchoolNet program, and by nationally expanding cybertip.ca. Together, these initiatives will provide better protection to children on the Internet, and bolster our ability to pursue those who use technology to prey on them.

18. *Provide information on any legislation or guidelines to protect children from injurious information and material transmitted through the media, Internet, videos, electronic games, etc.*

In February 2001, the Government of Canada launched the *Canadian Strategy to Promote Safe, Wise and Responsible Internet Use*. The Strategy is based on a broad partnership including governments, law enforcement agencies, the industry, not-for-profit organizations and parents. The Strategy's five objectives are to support initiatives that educate and empower users; to promote effective industry self-regulation; to strengthen the enforcement of laws in cyberspace; to implement hotlines and complaint reporting systems; and to foster consultation between the public and private sectors and their counterparts in other countries.

In September 2000, Federal, Provincial and Territorial (FPT) Ministers Responsible for Justice directed officials to review the issue of violence in video games and new media. The ensuing FPT Working Group's final recommendations (May 2002) addressed and promoted: self-regulation of retail distributors of video games; cross-sectoral approaches to video game classifications; initiatives targeting education and awareness; and ongoing related research in partnership with other stakeholders.

This review complemented the work undertaken by the FPT Working Group on Offensive Content on the Internet, which released its final report in March 2001, including recommendations combining effective law enforcement, education and awareness building and increased cooperation with industry. The findings and recommendations of these working groups are informing continuing related efforts of all levels of government.

Provinces and territories also have regulations with respect to content, for example Manitoba has long operated a mandatory film classification scheme under the *Amusements Act*, which amongst other things measures the violence, sexual content, adult content, etc. of films and videos. Amendments to the Act, which received royal assent June 10, 2004, extend this regulatory process to video games and any other medium specified in the regulations for which moving visual images may be produced.

Reporting obligations relating to violence against children

19. *Provide information on legislation, regulations or administrative directives requiring reporting of all forms of violence against and abuse of children in all settings to appropriate bodies. If reporting legislation, regulations or administrative directives exist, please indicate whether all citizens are required to report, or whether the obligation falls on certain professional groups only. Provide details of any sanctions for non-reporting.*

Information regarding mandatory reporting under the child protection legislation in provinces and territories is included in the table provided under the response to questions 2 and 3 of this questionnaire.

Complaints procedures

20. *Provide information on any complaints procedures relating to all forms of violence against children perpetrated in the family/ home; schools and pre-school care and education; ...*
and,
21. *Indicate whether children or persons acting on their behalf can access these procedures. Indicate whether legal aid is available to facilitate submission of complaints, and the circumstances in which legal aid will be available.*

As indicated earlier, child welfare/protection legislation is a responsibility of the provinces and territories and each has adopted legislation that provides child welfare agencies with the authority to investigate alleged or suspected instances of child neglect and abuse.

Investigations of suspected offences are carried out by the police force as well as child protective agencies. Police investigate any suspected *Criminal Code* infractions while child protective agencies investigate the living arrangements of the child to determine whether the child's needs are being adequately met.

Criminal investigations are carried out according to criminal law and procedures, while child protection investigations adhere to the rules of the jurisdiction. Generally, an investigation is conducted in partnership between police and local child welfare officials. This approach helps to reduce the number of times a young victim must go through the interview process as part of the investigation. In addition, these interviews are frequently videotaped in hopes of reducing the stress experienced by the victim throughout the investigation process.

Manitoba's *Child and Family Services Act* requires any person who has information that leads them reasonably to believe that a child is or might be in need of protection, to report the information to a child protection agency or to a parent or guardian of the child. The Children's Advocate, appointed under *The Child and Family Services Act* is charged with the responsibility to review and investigate complaints received relating to children who receive or may be entitled to receive services under the Act. Children or persons acting on their behalf can access these complaints procedures. However, legal aid is not generally available to facilitate the submission of complaints, unless the child is an active party in an existing judicial proceeding.

In Alberta and British Columbia, a toll free telephone number is available for any person, adult or child, to report abuse. A coordinated approach has been developed for the investigation of abuse. This approach includes child welfare officials, police, school officials, childcare licensing investigators and other officials and/or community representatives, as required in individual situations.

22. Describe steps which have been taken to raise awareness of possibilities to submit complaints about violence against children.

Various jurisdictions have conducted campaigns to raise awareness of family violence, including violence against children. The National Clearinghouse on Family Violence is the major national resource centre for Canadians seeking information and resources on family violence. It develops and maintains a resource collection of over 100 items such as fact sheets, reports, discussion papers and information kits. Information is available free of charge in English and French and in certain cases in other languages and alternative formats (Braille and audiocassette). In addition, children's advocates and offices also disseminate information and in some cases, such as the Alberta's Children Advocate and the Child and Youth Officer for British Columbia, have hotlines for children in need of assistance. (See also responses to Question 37, 41 and 54).

23. Provide information on any special procedural or evidentiary rules which may apply in proceedings with respect to violence against children.

The following Criminal Code provisions apply specifically to young witnesses/complainants in sexual or personal violence proceedings:

- S. 486(1)(1.1) — allows the judge the discretion to order the public excluded from the courtroom in cases where there is a witness under the age of 18 years in a sexual or violent offence proceeding
- S. 486(1.2) — allows the judge to order a support person to be present while a witness under 14 years testifies in a proceeding involving an sexual or violent offence
- S. 486(2.1) — allows a judge to order that a witness under the age of 18 to testify behind a screen or outside the courtroom in proceedings involving sexual or violent offences
- S. 486(2.3) — requires a judge to prevent a self-represented accused from personally cross-examining a witness under the age of 18 years in proceedings involving sexual or violent crimes
- S. 486(4) — a mandatory publication ban to protect the identity of complainants under 18 years in sexual and violent offence proceedings
- S. 715.1 — allows the videotaped testimony of witnesses under the age of 18 to be introduced at trial if the witness adopts the testimony in the videotape and it is made within a reasonable time after the alleged offence (in sexual and violent offence proceedings).

Other examples of applicable rules include the following protections afforded in certain provinces. In protection proceedings in Ontario, children rarely testify and courts often admit children's statements through third parties.

In child protection hearings in Saskatchewan, the court can admit hearsay or affidavit evidence and children do not generally testify. In other court proceedings involving children, Victim/Witness Coordinators assess the needs of child witnesses and make recommendations to meet those needs in court (e.g. a screen, audio device, additional in-court support services for very young or fearful children). Victim/Witness Coordinators also provide information, support and assistance to child witnesses and their parents/families throughout the criminal justice process.

24. Provide information on the usual outcome of complaints of violence against children (e.g. compensation, punishment of perpetrators, perpetrator rehabilitation, family therapy).

As outlined earlier, complaints must be investigated by either or both police and child protection agencies. If the complaint is found to be valid, the perpetrator may be subject to penalties provided by criminal or provincial and territorial law, which may include fine, prison sentence, and rehabilitation. For detailed information on sentencing in cases of family violence against children and youth, please consult *Family Violence in Canada: A Statistical Profile (2004)* available at: <http://www.statcan.ca/english/freepub/85-224-XIE/85-224-XIE2004000.pdf> (pages 61 to 64).

In provincial jurisdictions such as Ontario, a child found to be in need of protection could result in either a removal from the home, or the ability to remain in the home but subject to very strict conditions (dealing, for example, with counseling or the use of physical discipline).

In Manitoba, a child and family services agency that receives a report that a child is or might be in need of protection must investigate such a report. If satisfied, the agency may: arrange with the parents or guardian for the provision of homemaker or other services to the family; enter into a voluntary placement agreement with the parents or guardian for the child to be placed elsewhere without transfer of guardianship; if satisfied that a person has or is likely to subject a child to abuse, apply for an order that the person cease to reside in the same premises as the child and/or that the person refrain from any contact or association with the child; or apprehend the child without warrant and take the child to a place of safety. The court hearing that follows an apprehension can result in a number of different outcomes, namely (a) return to the parents or guardian with or without conditions, (b) placement of the child with another person, (c) appointment of the agency as temporary guardian of the child or (d) appointment of the agency as permanent guardian of the child.

25. Provide information on the usual outcome of legal proceedings in which children and juveniles are found guilty of perpetrating violence (e.g. imprisonment, corporal punishment, community service, perpetrator rehabilitation, family therapy).

As a general response, youth between the ages of 12-18 convicted of crimes of violence receive a sentence of probation or a custody and supervision order (for most offences there is a maximum of two years).

The *Youth Criminal Justice Act* (April 2003) creates a comprehensive regime to deal with all aspects of the youth justice system. The legislation respects the rights of young persons, and aims to increase community responses to youth offending, reduce over-reliance on incarceration, and increase rehabilitation and reintegration of young people. It sets out measures to deal with early intervention outside the formal court process; the youth court process following a charge; special rules for sentencing of young persons found guilty of an offence; the treatment of young persons sentenced to custody along with measures respecting their reintegration and rehabilitation; the safeguarding and use of information about young persons.

Data on young offenders and detention facilities is available in pages 119 to 130 of the "Responses of Canada to the Committee on the Rights of the Child", available at: http://www.pch.gc.ca/progs/pdp-hrp/docs/crc-2003/rep_e.cfm

II. INSTITUTIONAL FRAMEWORK AND RESOURCES TO ADDRESS VIOLENCE AGAINST CHILDREN

26. Are there any Governmental authorities, structures and mechanisms, including at federal, state/provincial, municipal and local level which are currently responsible for addressing violence against children?

and

27. Is there a lead Government authority tasked with responsibility for addressing violence against children?

The Family Violence Initiative is horizontally managed to ensure a shared federal perspective, foster collaboration, create partnerships and provide opportunities for joint action, thereby enhancing the federal capacity to achieve results. Health Canada leads the Family Violence Initiative; twelve departments, agencies and Crown corporations take part. The Family Violence Initiative works with the provincial and territorial levels of government, First Nations, non-governmental organizations and a range of other stakeholders. Additional information on the Family Violence Initiative is included under question 41.

Collaboration with provincial and territorial governments on children's issues is also done through a number of committees such as: the Federal-Provincial-Territorial (FPT) Coordinating Committee of Senior Officials (CCSO) on Family Justice, the CCSO on Youth Justice, and the FPT Working Group of Justice and Social Services Officials on Issues Related to Commercial Sexual Exploitation of Children and Youth.

In addition, provinces and territories also have organisations mandated to address violence against children. For example, the Alberta Children's Services Office for the Prevention of Family Violence was established in 1984 by the Alberta government to provide a coordinated, provincially based government response to family violence. As a result of the Alberta Roundtable on Family Violence and Bullying, held May 7, 2004, a provincial coordinator has been hired to coordinate the efforts of government ministries on family violence. In addition, a coordinator has also been appointed to oversee justice initiatives.

In Manitoba, the Child Protection Branch, Child Family Services Division with the Family Services and Housing is the lead government authority tasked with responsibility for addressing violence against children. The Branch has a dedicated staff and budget for activities including: funding and licensing of Child and Family Services agencies, establishing operating and service standards and policies, as well as monitoring compliance and service quality activities. In addition, the Branch is responsible for the operation of four Child and Family Service Authorities (three Aboriginal and one general), which were established in 2003 as part of restructuring of the child and family services system.

In Saskatchewan, there are a number of initiatives in the Victims Services program that address the needs of victims of family violence. These include: treatment groups for children who witness violence, early intervention services for spousal assault victims, spousal assault protocol development, child victim/witness court assistance, high school peer counselling groups, teen parent alternatives to violence programs, programs to prevent child prostitution, specialized programs for Aboriginal children and youth, training for justice system personnel, and conference funding for community organizations. The Regina Children's Justice Centre and the Saskatoon Centre for Children's Justice and Victims Services use a multi-disciplinary approach to child abuse investigation in a child-friendly environment. The approach helps to reduce the trauma experienced by children who would otherwise have to be subjected to

multiple interviews at various stages in the criminal justice process. The Centres are supported by the Departments of Justice and Community Resources and Employment, and by the Regina and Saskatoon police services.

28. *Are specific financial and/or human resources allocated by your country to address violence generally?*

and,

29. *Does your country allocate specific financial and/or human resources to activities to address violence against children?*

Since 1996, the Family Violence Initiative has been an ongoing commitment of the federal government with annual funding of \$7 million shared among seven departments. Some federal departments that are not formally members of the Initiative also administer programs that address the issue to varying degrees and therefore the total funds spent on the issue are likely considerably higher than \$7 million.

The provinces and territories also allocate resources to combat family violence through their various health and social services programs. For example, New Brunswick allocated \$2.8 million in 2001 towards a three-year action plan to address family violence, which includes initiatives to address violence against children. \$725,000 of this allocation is ongoing.

30. *Do international or bilateral donors provide resources to your country for activities to address violence against children?*

Canada does not receive financial assistance from other countries or international organizations for activities to address violence against children.

31. *Does your country provide any assistance to other countries' efforts to respond to the problem of violence against children?*

Canada funds a number of programmes throughout the world intended to address the problems of child exploitation, child abuse and violence at bilateral, multilateral and local levels. Canadian International Development Agency's (CIDA) Action Plan on Child Protection takes a rights-based approach and identifies children in need of special protection, including child labourers, children affected by war, street children, sexually exploited children, children with disabilities, children from ethnic minority groups and children in conflict with the law or in the care of the state. Participation and the empowerment of children in finding solutions to issues affecting them are central to the Action Plan.

At the bilateral level, several country programs have development frameworks, which are incorporating an explicit focus on child protection including a specific focus on abuse, exploitation and neglect. Regional Programmes such as the Balkans have also developed specific child protection strategies. At the multilateral level, core funding is provided to UNICEF (among others), who in turn support programmes and initiatives for sexually exploited and abused children as part of their mandate on promoting the rights of children.

Through locally administered Gender Funds and Canada Funds for Local Initiatives, support is provided to a wide variety of community level initiatives and programs for children affected by violence. Examples include:

- Funding through local partners in the Dominican Republic and Haiti for the work of local NGOs who work with sexually exploited and abused children.
- Working with local authorities and schools in Peru to address the needs of children victim of violence and sexual exploitation.
- Supporting projects in Zimbabwe that provide psychosocial counselling and medical support to children who have been sexually exploited.
- In Mali and Burkina Faso, providing funds to combat trafficking of children, reintegrate repatriated children in reception or transit centres, as well as raise public awareness of these issues.
- In Bolivia, Ecuador, Jordan, India and Peru, financial support is provided to projects designed to empower street children and youth in making life choices towards greater physical, mental, economic and sexual health.
- In India funding support to a local organization provided child workers with education, vocational training and alternative support, and created income-earning opportunities for their families. More than 3,000 children (45 percent girls) have been removed from work, and another 1,500 are working significantly fewer hours. Vocational training graduates have experienced an improvement in their quality of working life, and more than 80 percent of children enrolled in the non-formal education activities of the project have been retained in the formal education system.

Additionally, the Child Protection Research Fund supports research that examines the situation of children facing abuse and violence in a wide range of circumstances. For example one study is looking at the socio-economic factors contributing to girl child abuse in Botswana, while another looks at traditional mechanisms of child protection to combat the spread of HIV/AIDS among war-affected adolescents in Northern Uganda, many of whom have been subjected to sexual attack, systematic rape and forced prostitution.

32. *If your country has a national human rights institution, such as a human rights commission or ombudsman, or a child-specific human rights institution, does it have any role or competence in the area of violence against children, including receiving complaints?*

Children in several provinces have recourse to commissioners, advocates or ombudsmen for specific grievances relating to areas of provincial jurisdiction. Child youth advocates offices have been established in the provinces of Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland and Labrador, Nova Scotia, Ontario, Québec and Saskatchewan.

As well, verbal or physical harassment of children based on various protected group characteristics may fall within jurisdiction of human rights commissions in certain areas of activity, such as schooling and public services. Human rights commissions in Canada may investigate complaints under their respective statutes. Given the subject matter of most complaints, very few complaints are instituted by individuals under the age of 18. While no Canadian human rights commission (either federal, provincial or territorial), has a specific mandate to investigate complaints under the Convention on the Rights of the Child per se, commissions across Canada may take international human rights treaties into consideration in interpreting their respective statutes.

Additional information on these organizations is included in Canada's response to the Committee on the Rights of the Child (p. 160-167), available at:

http://www.pch.gc.ca/progs/pdp-hrp/docs/crc-2003/UNCRC_1BE.pdf

33. *Are there any particular parliamentary structures to address violence against children?*
and,
 34. *Have there been any recent parliamentary initiatives to address violence against children?*

In follow-up to the First World Congress Against Commercial Exploitation of Children (1996) a Canadian interdepartmental committee was created to examine activities and programs underway across the country to combat the exploitation of children and youth in the sex trade. The Committee, chaired by Senator Landon Pearson in her capacity as Advisor on Children's Rights to the Minister of Foreign Affairs, meets four times yearly and produces an annual report.

In addition, the Standing Committee of the House of Commons on Foreign Affairs and International Trade addresses issues related to violence against children internationally. It released the reports entitled *International Child Abduction: Issues for Reform* (April 1998) <http://www.parl.gc.ca/InfocomDoc/36/1/FAIT/Studies/Reports/faitrp04-e.htm> and *Ending Child Labour Exploitation – A Canadian Agenda for Action on Global Challenges* (February 1997) http://www.parl.gc.ca/committees352/fore/reports/05_1997-02/fore-05-cov-e.html .

III. ROLE OF CIVIL SOCIETY IN ADDRESSING VIOLENCE AGAINST CHILDREN

35. *Describe significant civil society initiatives addressing violence against children in your country.*

In addition to the activities carried out by governments, child advocacy groups and other organizations provide a variety of resources and information dealing with child rights. Links to a selection of Canadian non-governmental organizations are included on the Web site of the Department of Canadian Heritage at: http://www.pch.gc.ca/progs/pdp-hrp/canada/enfant_e.cfm#Other. The NGOs play an important role in education, promotion, assistance and advocacy – the examples below represent the following represents only a few of the activities undertaken.

In 2003, the Canadian Coalition for the Rights of Children, mandated to ensure a collective voice for Canadian organizations and youth concerned with the rights of children, published a resource guide that brings together some of the most accessible resources on children's rights in Canada. (http://www.rightsofchildren.ca/pdf/resourceguide_en.pdf)

An initiative of the Alliance of Five Research Centres on Violence, funded by Status of Women Canada (SWC) from 1997 to 2002, aimed at the development of a national strategy, including measurable goals, outcomes and monitoring/evaluation mechanisms, to address violence prevention and the girl child. The Alliance undertook research to build knowledge on how to address issues related to violence prevention and the girl child, including sexual harassment, issues contributing to the vulnerabilities of immigrant and refugee girls from racialized communities, sexual exploitation of girls and, promotion of egalitarian interactions between genders and in relation to the girl child. The results of the research provide valuable information to support SWC's policy development work in this area.

The creation in 2004 of a Child and Youth Maltreatment Section at the Canadian Paediatric Society is an example of professional association initiatives to combat violence against children. This Section will be a forum for the development of ideas and discussion of issues related to child and youth maltreatment and will act as a stimulus for the study, research and

support of a national curriculum for training paediatricians and other professionals. (<http://www.cps.ca/english/publications/cpsnews/2004/JanFeb/Section.htm>)

In addition to partnering with First Nations and Métis communities, the Government of Manitoba is an active partner with academic institutions such as the University of Manitoba, and other provincial and territorial governments on initiatives designed to address violence against children and improve the well-being of children involved in the child welfare system. Manitoba also provides both formal and informal support to non-governmental organizations that are dedicated to improving the circumstances of children involved with the child welfare system. These supports often include information sharing arrangements, expertise and access to services and/or clientele. As well, there is a Provincial Advisory Committee on Child Abuse (PACCA), whose website is <http://www.pacca.mb.ca/>.

36. Describe the support provided by your Government for these activities and the efforts made to coordinate civil society and government initiatives.

The Family Violence Initiative acts as a mechanism through which government initiatives on violence against children are coordinated and efforts at the community level are supported. Funding assistance is provided to many NGOs through the various components of the Initiative: http://www.hc-sc.gc.ca/hppb/familyviolence/initiative_e.html

Some provinces have additional coordination mechanisms within their jurisdiction; for example, Alberta's coordinator (mentioned under question 27) will work closely with communities across the province.

37. Describe the role played by the media in addressing violence against children.

The 'Speak Out Against Violence' initiative involved hundreds of radio and television stations banding together to contribute over \$10.6 million in airtime to raise awareness about violence. Various federal government departments funded the TV and radio spots. In 1996 one of the themes of the campaign was violence against children. For more information please see http://www.hc-sc.gc.ca/hppb/familyviolence/html/fvdifference_e.html.

The Media Awareness Network is a non-profit organization that has been pioneering the development of media literacy programs since its incorporation in 1996. It promotes media and Internet education by producing online programs and resources, working in partnership with Canadian and international organizations, and speaking to audiences across Canada and around the world. (<http://www.media-awareness.ca/>)

IV. CHILDREN AS ACTORS IN ADDRESSING VIOLENCE

38. Provide information on the involvement and consultation of children in designing activities, and in implementation and monitoring of programmes and policies to address violence against them.

The Government of Canada and a number of NGOs organised consultations and activities for thousands of children and adolescents across Canada to provide their views about their priorities and thoughts in preparation for the 2002 United Nations General Assembly Special Session on Children. The government also supported the implementation of an innovative committee initiated by the young people who attended the Special Session. It is entitled the *Child Engagement Experts Resource Team* (CEERT). Its unique composition brings together

children, government and non-government representatives, and Senator Landon Pearson, the Prime Minister's representative on children's rights. The members of CEERT have been integrally involved in decision-making throughout the development of an action plan on children and as equal partners with adults in the consultative activities across the country.

The Royal Canadian Mounted Police (RCMP) Commissioner's National Youth Advisory Committee meets yearly and many divisions of the RCMP also hold consultations with youth to identify issues and devise solutions. In addition, youth engagement is a key component of the RCMP National Youth Strategy (NYS) facilitating a well-rounded and accurate perspective of youth issues. The RCMP NYS has held consultations with Aboriginal youth, visible minorities and sexually exploited youth.

The National Child Exploitation Coordination Centre, in partnership with the Canadian Police College, co-hosted a national cyber crime symposium for youth from June 25 to 27, 2004. One of the streams of study was sexual exploitation of children on the Internet. The NCECC gathered input from 16 youth and have secured commitment from all to participate on a cyber youth advisory committee via the Internet to provide guidance on the issues and problems facing Internet and potential solutions.

Leave Out Violence (LOVE) is a not-for-profit organization that builds teams of youth to spread the message of non-violence to youth and adults through presentations and publications. <http://www.vivresansviolence.com/>

The National Advisory Committee to the Canadian Incidence Study of Reported Child Abuse and Neglect heard from youth participants who provided their perspective on abuse. <http://www.hc-sc.gc.ca/pphb-dgspsp/publicat/cissr-ecirc/>

In the initiative of the Alliance of Five Research Centres on Violence mentioned above (Question 35), girls were consulted and actively involved in carrying out the initiative.

A number of provincial and territorial governments have also established mechanisms to involve youth in the policy development process, such as the Newfoundland and Labrador Youth Advisory Committee, and the Saskatchewan Provincial Youth Advisory Committee. The Alberta's Youth Advisory Panel was formed in June 2000 by the former Chair of the Youth Secretariat. The Panel is an ongoing youth focus group which ensures the youth perspective on all work done by the Youth Secretariat. The Manitoba Youth in Care Network, <http://www.voices.mb.ca/site.html>, is a grass-roots organization established by former youth in care that provides children involved with the child welfare system with information on their rights, program support and referral services. The Manitoba government seeks the input of the Network when changes to the child welfare system are considered.

The Saskatchewan Youth in Care and Custody Network is a provincial organization made up of young people who are, or have been, in care or custody. Its primary objectives include supporting youth and addressing specific issues in the child welfare system. The Saskatchewan Provincial Youth Advisory Committee (PYAC) is another example of youth and government working together in meaningful ways to make substantive changes in areas of concern to youth. The main objective is to engage youth in decision-making and thereby developing the capacity of the next generation of Saskatchewan leaders. Members learn about strategic planning and the formation of government policy. The PYAC has provided

valuable feedback on government policies and strategies related to youth. The PYAC is funded through the Department of Culture, Youth and Recreation.

39. Describe the involvement, if any, of children in designing special procedural or evidentiary rules applying in court proceedings with respect to hearings concerning violence against children.

Youth participation is enshrined in federal legislation relating to the youth criminal justice system.

The Youth Restorative Action Project (YRAP), in Alberta, is a Youth Justice Committee that is formally sanctioned under Section 18 of the *Youth Criminal Justice Act*. It is made up of youth ages 15 to 24 who receive referrals from judges, lawyers and police officers to deal with cases where issues like racism, homelessness, drug and alcohol abuse, prostitution and mental illness may be involved. This involves working with offenders (12 to 24) and can also involve working with the victims. Their intent is to be rehabilitative rather than punitive and to come up with creative ways for young people to be held accountable for their actions. Information is available on their Web site at: <http://www.yrap.org/>

40. Describe the amount and type of resources made available to support children's participation in activities to address violence against children.

Mechanisms mentioned under Question 38 are examples of resources available to support children's participation. A total amount of resources made available for these types of activities throughout Canada is not available.

V. POLICIES AND PROGRAMMES TO ADDRESS VIOLENCE AGAINST CHILDREN

41. Does your Government have a comprehensive policy concerning violence against children?

The Family Violence Initiative, the first phase of which was launched in 1988, is a long-term federal commitment to a long-term societal problem with myriad social, justice, and health dimensions. Since 1996, the Family Violence Initiative has been an ongoing commitment providing annual funding of \$7 million to be shared among seven departments as a supplement to expenditures from their ongoing budgets that they and other departments, agencies and Crown corporations make to address the issue. This \$7 million is used to coordinate the Family Violence Initiative, collect national data, address identified gaps and operate the National Clearinghouse on Family Violence. Several programs developed in previous phases of the Family Violence Initiative were integrated into ongoing departmental programming and budgets.

The mandate of the Family Violence Initiative during its 1997–2002 phase was to: promote public awareness of the risk factors of family violence and the need for public involvement in responding to the problem; and strengthen the ability of the criminal justice and housing systems to respond to the problem; and support data collection, research and evaluation efforts to identify effective interventions.

The objective of the next phase of the Family Violence Initiative is to reduce the occurrence of family violence in Canadian society. The Initiative will continue to measure its achievements according to the following key results:

- Effective, efficient and coordinated federal policy development and programming on family violence issues;
- Enhanced prevention of and improved community response to family violence and development and implementation of community activities to reduce family violence; and
- Increased public awareness of and reduced tolerance for family violence.

For more information, consult the Family Violence Initiative's Year Five Report:
<http://www.hc-sc.gc.ca/hppb/familyviolence/pdfs/Family-Violence-Report-040224.pdf>

Provinces and territories also have policies and programs also that address violence against children. For example, in 2001, the Government of Quebec published *Orientations gouvernementales en matière d'agression sexuelle* [government approaches to sexual assault], primarily for women and children, consisting of 59 measures addressing prevention, detection and psychosocial, medical, legal and correctional intervention, involving seven departments and two secretariats.

In 1995, the Province of Nova Scotia implemented a Framework for Action Against Family Violence. The Framework was designed to improve the response of the justice system to victims of spousal or partner violence.

The Newfoundland and Labrador Violence Prevention Initiative reflects the government's commitment to address the issue in this province. It is a five year, multi-departmental, government-community partnership to find long term solutions to the problem of violence against those most at risk - women, children, the elderly, and other vulnerable people who are victims of violence because of their race, ethnicity, sexual orientation or disability.

New Brunswick has Child Victim of Abuse and Neglect Protocols. These Protocols have been in use since 1989 with updates made in 1995 and are scheduled to be updated no later than 2005. The purpose of these Protocols is to ensure that all efforts to protect children from abuse and neglect are effective and sensitive to the needs of children. To achieve this end, in New Brunswick, professionals and community agencies will work collaboratively to prevent and intervene in cases of child abuse and neglect. The protocols outline the role of stakeholder departments, Family and Community Services, Justice, Public Safety, Health and Wellness, Training and Employment Development and Education. Other non-governmental institutions and professionals have been included in these protocols because of the important services they provide to child victims of abuse and neglect.

New Brunswick also has Woman Abuse, and Adult (seniors and adults with disabilities) Victim of Abuse Protocols.

In Alberta, the Framework for Action, developed to identify crucial next steps, was reviewed at the Roundtable on Family Violence and Bullying (May 2004) and builds on months of consultations undertaken as part of the roundtable process. It reflects ideas that come from best practices and successful approaches. The purpose of the framework is to set the direction, to lay the foundation and describe the essential building blocks for a comprehensive approach to family violence and bullying.

The Manitoba *Child and Family Services Act* address all forms of violence against children in all settings. In addition, The *Act* sets forth operating and service standards and policies for all

child welfare agencies. Manitoba has a zero tolerance policy on domestic violence. It has also set up Healthy Child Manitoba. Each of these initiatives contains elements addressing violence against children. There is also the Revised Manitoba Guidelines on Identifying and Reporting a Child in Need of Protection (Including Child Abuse), developed by Family Services and Housing and the Provincial Advisory Committee on Child Abuse. The Guidelines can be accessed at http://www.gov.mb.ca/fs/childfam/child_protection.html.

Saskatchewan has a provincial Child Abuse Protocol that guides investigations about abuse and neglect and an independent Children's Advocate that receives and investigates complaints about services to children. Saskatchewan also has a Family Violence Policy Framework that is the government's operational structure for developing and implementing policies, programs and procedures for all departments working to address family violence. Saskatchewan views violence against individuals and families as a serious and complex social issue that requires a comprehensive, integrated response involving government, communities and individuals.

42. Does your Government deliver, or provide direct support for delivery by other agencies, of specific programmes aimed at preventing and responding to violence against children?

Canada has a wide variety of programs and policies at the federal, provincial and territorial government levels that provide direct and/or indirect support to address the various settings and types of violence against children indicated in this question. These include the Family Violence Initiative and the provincial and territorial initiatives mentioned above. It is not possible to provide an exhaustive list within the constraints of this response; however, for a select sample of information please refer to the following sources:

Government of Canada:

Family Violence Initiative: <http://www.hc-sc.gc.ca/hppb/familyviolence/>: During the second phase of its Family Violence Initiative -- between 1991 and 1995 -- the Government of Canada funded hundreds of research and community-based projects addressing various aspects of family violence. A large portion of those projects addressed the issue of violence against children.

National Crime Prevention Strategy: <http://www.prevention.gc.ca/index.html>

Government of Alberta:

Office for the Prevention of Family Violence:

<http://www.child.gov.ab.ca/whatwedo/familyviolence/page.cfm?pg=index>

Safe and Caring Schools Initiative: <http://www.learning.gov.ab.ca/safeschools/>

New Identities for Victims of Child Abuse:

<http://www.child.gov.ab.ca/whatwedo/familyviolence/page.cfm?pg=New%20Identities%20for%20Victims%20of%20Abuse%20%28NIVA%29%20Program>

Government of British Columbia:

Safe School Strategy: <http://www.bced.gov.bc.ca/sco/>

Interministry Child Abuse Handbook:

http://www.mcf.gov.bc.ca/child_protection/child_abuse_handbook/1toc.htm

Children Who Witness Abuse Program:

http://www.mcaaws.gov.bc.ca/womens_services/children-who-witness-abuse/index.htm

Government of Manitoba:

Safe Schools Manitoba:

http://www.edu.gov.mb.ca/ks4/specedu/guidance/safe_schools_manitoba.html.

Child Victim Support Initiative: <http://www.gov.mb.ca/chc/press/top/2000/04/2000-04-10-02.html>

Action Plan on Child Exploitation: <http://www.gov.mb.ca/chc/press/top/2002/12/2002-12-11-03.html>

Government of New Brunswick:

Child Victims of Abuse Protocols: <http://www.gnb.ca/0017/Protection/Child/index-e.asp> and <http://www.gnb.ca/0017/Protection/Child/index-f.asp>

Government of Newfoundland and Labrador:

Violence Prevention Initiative: <http://www.gov.nf.ca/vpi/>

Safe and Caring School Initiative: <http://www.gov.nf.ca/edu/dept/safesch.htm>

Government of Ontario:

Early Intervention Program for Child Witnesses of Domestic Violence

<http://www.cfcs.gov.on.ca/CFCS/en/programs/SCS/DomesticViolence/FAQs/childrenExposedToDomesticViolence.htm>

Government of Quebec:

Entente multisectorielle relative aux enfants victimes d'abus sexuels, de mauvais traitements physiques ou d'absence de soins menaçant leur santé physique [Multisectoral Agreement on Child Victims of Sexual Abuse, Physical Abuse or Neglect that threatens their Physical Health]: <http://www.msss.gouv.qc.ca> (see *Documentation*)

Government of Saskatchewan:

Provincial Child Abuse Protocol:

http://www.saskjustice.gov.sk.ca/overview/publications/Provincial_Child_Abuse_Protocol_1995.pdf

43. Does your Government monitor the impact of these policies and programmes directed towards violence against children?

It is the policy of the Government of Canada that departments and agencies embed evaluation into their management practices to help design policies, programs, and initiatives that clearly define expected results and that embody sound performance measurement, reporting and accountability provisions at their outset; and to help assess in a rigorous and objective manner the results of government policies, programs, and initiatives, including their impacts both intended and unintended, and alternative ways of achieving expected results.

The Year Five Report of the Family Violence Initiative was submitted in December 2002. The evaluation showed that the Initiative met its performance expectations for the reporting period. The report is available at: <http://www.hc-sc.gc.ca/hppb/familyviolence/pdfs/Family-Violence-Report-040224.pdf>

Specific components of the Initiative are also being evaluated, such as the Aboriginal Women's Program (http://www.pch.gc.ca/progs/em-cr/eval/2002/2002_21/index_e.cfm) and

the Multiculturalism Program (http://www.pch.gc.ca/progs/em-cr/eval/2002/2002_22/index_e.cfm).

Provincial and territorial governments also monitor the impact of their programs. For example, in Manitoba, two bodies share responsibility for monitoring the impact of child welfare policies and programs. The Child Protection Branch, Child and Family Services Division within Family Services and Housing has primary responsibility for and oversees all child welfare services across the province. Each of the four child welfare Authorities are responsible for the operation, standards, policies and quality of service provided by all of their child welfare agencies.

44. *Does your Government participate in any internationally coordinated activities concerning violence against children?*

The rights of children are a priority within Canada's foreign policy. Canada has been a leader in promoting the rights of children throughout the world and in ensuring their protection from exploitation and abuse. Much of Canada's work is focused on children in need of special protection measures (for example from harmful child labour and sexual exploitation) and to children affected by armed conflict.

Canada has worked with its partners, including children, to integrate the outcomes of the Winnipeg Conference on War-affected Children (2000) into the UN General Assembly Special Session on Children held in May 2002, and its outcome document, *A World Fit for Children*. Canada's action plan, *A Canada Fit for Children*, launched in 2004, states that Canada will continue to make the protection of war-affected children and their communities a foreign policy priority. Canada has also supported a number of concrete initiatives aimed at implementing the Agenda for War-Affected Children such as supporting the work of the Coalition to Stop Child Soldiers, the Watchlist for Children and Armed Conflict, and the work of the UN Special Representative of the Secretary-General for Children and Armed Conflict.

In 2002, Canada participated with the Governments of Côte D'Ivoire, Benin, Mali, US, UK, Japan and Germany, UN agencies, NGOs, the ILO and the international chocolate industry in a collaborative initiative to eliminate harmful child labour in the cocoa industry in West Africa and to provide support to children in exploitative working conditions.

Health Canada also works collaboratively with international health partners to coordinate activities on violence against children. Partners include the WHO, PAHO, the Inter-American Children's Institute, UNICEF International and other international organizations active on children's issues.

In addition, the World Congress on Family Violence will be held October 23 to 27, 2005, in Banff, Alberta.

VI. DATA COLLECTION, ANALYSIS AND RESEARCH

45. *Over the past five years, has there been any victimization, epidemiological or other population-based surveys of any forms of violence against children in your country?*

The following survey data is available:

- *National Longitudinal Survey of Children and Youth* (1996): <http://www11.hrdc-drhc.gc.ca/pls/edd/NLSCY.lhtml>
- *Canadian Incidence Study of Reported Child Abuse and Neglect* (2001): <http://www.hc-sc.gc.ca/pphb-dgspsp/publicat/cisfr-ecirf/>
- The Incident-Based Uniform Crime Reporting Survey (UCR2) collects police reported data on criminal incidents, provides information on the incident, victim and offender for each policed report. The Family Violence in Canada: A Statistical Profile annual report (<http://www.statcan.ca:8096/bsolc/english/bsolc?catno=85-224-XIE>) analyses these police statistics and dedicates one chapter to describing the prevalence of violence against children and youth. The report also uses data from the Homicide Survey (<http://www.statcan.ca:8096/bsolc/english/bsolc?catno=85-002-XIE2003008>).
- A number of research studies are currently being conducted on various aspects of violence against children under the auspices of the Centre of Excellence for Child Welfare <http://www.cecw-cepb.ca>
- In 2002, provincial and territorial Directors of Child Welfare initiated a long term National Outcome Measures Project as a means of improving the information available about children involved with the child welfare system. <http://www.cecw-cepb.ca/DocsEng/OutcomesIndicatorMatrix.pdf>. Provinces and territories, in cooperation with the Centre of Excellence for Child Welfare have developed ten indicators of child well being and are currently refining indicator measurement systems. Implementation and tracking of the indicators will begin in the fall of 2004 and consistent, pan-Canada data on the well being of children in care is expected to be available over the next few years.

46. *Have there been any small-scale or representative interview studies with parents and children on violent victimisation of children?*

Numerous Canadian researchers have done interview studies with parents and children. For example, the June 2002 edition of the journal *Violence and Victims* included a study done by Université du Québec a Montréal professors, M. Herbert, F. Lavoie and N. Parent, on an assessment of outcomes following parents' participation in a child abuse prevention program (*Violence and Victims*, 2002 June; 17(3): 355-72). Other relevant studies include *Violence Prevention and the Girl Child: Phase I Report*, which can be found at <http://www.harbour.sfu.ca/freda/reports/gc.htm> and *In the Best Interests of the Girl Child: Phase II Report*, which can be found at <http://www.harbour.sfu.ca/freda/reports/gc2.htm>.

New Brunswick Public Health and Mental Health have participated in one of the phases of a University of New Brunswick study being conducted with the University of Western Ontario. The project looks at violence against women who are mothers, and explores the supports and policies in place to assist these women. The study does not focus on children who have suffered physical abuse but does look at children who witness abuse within the family. The study includes interviews of women and children over 12, with individuals providing community supports, and with government service providers including those from Public Health, Mental Health, and Family and Community Services.

Also, in 2002, New Brunswick conducted an attitudinal survey on Violence Against Women, which included questions on child abuse.

In Manitoba, three to four small-scale interview studies are regularly undertaken by Masters of Social Work students. The results of these studies are shared with child welfare agencies and the Child Protection Branch within Family Services and Housing. However, the results of these practicum studies are rarely formally published.

47. *Over the past five years, has your Government conducted or commissioned any scientific research projects on the problem of violence against children?*

As part of the Family Violence Initiative, Health Canada has commissioned a number of studies related to child sexual abuse and to child abuse and neglect. These studies are available on-line at: http://www.hc-sc.gc.ca/hppb/familyviolence/nfntsabus_e.html and http://www.hc-sc.gc.ca/hppb/familyviolence/nfntsnegl_e.html

Health Canada supports surveillance of child maltreatment in Canada through the epidemiological work of the Injury and Maltreatment Section of the Health Surveillance and Epidemiology Division. This work can be accessed at: http://www.hc-sc.gc.ca/pphb-dgspsp/cm-vee/cis_e.html

Through the Prairie Child Welfare Consortium, the governments of Manitoba, Saskatchewan and Alberta work, in collaboration with Schools of Social Work in each prairie province, to improve the link between research and service provisions (<http://www.uregina.ca/spr/prairechild>).

48. *Have studies or surveys been undertaken into the impact of legal measures to address violence against children?*

RESOLVE Manitoba conducts research on family violence. One such research project currently ongoing is phase II of *The Development of a National Strategy Focusing on Violence Prevention and the Girl-Child Prairie Project: Examination of Innovative Programming for Children and Youth involved in Prostitution*. RESOLVE has also completed a research project entitled *Dating Violence in Teens: Examination and Elimination*. RESOLVE's website is found at <http://www.umanitoba.ca/resolve/>.

49. *Does your Government have a system for formal inquiries into all child deaths in which it is known or suspected that violence may have played any part?*

All provinces and territories in Canada, through their respective Coroner and Medical Examiner's services, have procedures, policies and /or protocols in place to investigate suspicious child deaths.

For example, in Saskatchewan, a child death review policy has been in place since 1992, and was revised in February 2004. The Children's Advocate Office reviews the deaths of children who received services pursuant to *The Child and Family Services Act*, or the *Young Offenders Act* (Canada), or attended a childcare centre or a family childcare home licensed under *The Child Care Act*.

In Québec, in addition to the application of *An Act respecting the determination of the causes and circumstances of death* by investigating coroners, two child death review committees chaired by two paediatricians examine all deaths of children five years of age and under whose medical causes and circumstances are suspicious.

In Newfoundland and Labrador, the *Fatalities Investigation Act* requires the Chief Medical Examiner to investigate a death where there is known or suspected violence. In Ontario, the *Coroners Act* sets out when inquests must or may be conducted. There is no statutory requirement that an inquest be conducted when a child has died violently.

In Manitoba, there are three avenues for reviewing the circumstances of a child's death: (1) Operating standards for child welfare agencies require all child welfare authorities to submit a report to the Child Protection Branch anytime a child to whom they are providing service dies; (2) the *Fatalities Inquiries Act* requires the Office of the Chief Medical Examiner to conduct an inquiry into the death of any child who dies while in care, or within one year of receiving service from a child welfare agency; and (3) the *Child and Family Services Authorities Act* and its regulations also provide both the Director of the Child Protection Branch and the Chief Executive Officer of the four authorities with the power to order a review of any child welfare case, including those where violence is suspected to have played a part in the death of the child.

The Coroners Service of British Columbia is responsible for the investigation of all unnatural, sudden and unexpected, unexplained or unattended deaths, including those of children. Statistical reports are provided at the following website:
<http://www.pssg.gov.bc.ca/coroners/statistics/index.htm>

The purpose for conducting child death reviews is to offer observations, findings and recommendations designed to prevent child deaths, impact on child serving systems and promote public accountability.

50. Are regular (e.g. annual) reports published describing the statistical profile of the known or suspected violent deaths investigated by the system? If YES, what proportion of all homicide deaths are under the age 18?

Year	%
2000	12 %
2001	14 %
2002	12 %

The Homicide Survey maintained by Statistics Canada collects information on every homicide in Canada, homicide rates by age and sex of victims, and also provides total number of homicide victims that were children in 2002. ("Homicide In Canada 2002":
<http://www.statcan.ca:8096/bsolc/english/bsolc?catno=85-002-XIE2003008>)

In addition, the Provincial and Territorial Chief Coroners and Chief Medical Examiners produce an annual report for their respective jurisdictions that provides information and data on mortality, including fatal child abuse. Many of the provinces and territories in Canada have Child Death Review teams, which are deputed to investigate the circumstances surrounding suspicious child deaths and report their findings and recommendations.

51. If reports on the national profile of known and suspected violent deaths are published by your Government, indicate how the data is broken down for the purpose of reporting (check all that apply):

Sex	X	Geographical location of incident (address)	X
Age	X	Scene of occurrence (home, school, etc.)	X
Ethnicity		Time and date of incident	X
Manner of death (homicide, suicide, undetermined)	X	Victim-perpetrator relationship	X
External causes of death (firearm, strangulation, etc.)	X	Other:	

52. Provide the total number of reported cases of violence against children in 2000, 2001, 2002 and 2003.

According to the *Family Violence in Canada: A Statistical Profile* series:

In 2002, children and youth under the age of 18 were victims in 34,048 violence incidents brought to the attention of police departments reporting to this survey. The rate of reported violence against children and youth is 1,053 per 100,000 for females and 1,141 for males.

In 2001, children and youth under the age of 18 were victims in 33,017 violence incidents brought to the attention of police departments reporting to this survey. The rate of reported violence against children and youth is 1,026 per 100,000 population under 18 years of age.

In 2000, children and youth under the age of 18 were victims in 30,117 violence incidents brought to the attention of police departments reporting to this survey. The rate of reported violence against children and youth was 1,050 per 100,000.

Data for 2003 are not yet available.

53. Provide the total number of convictions and reported cases for the various categories of crimes of violence recorded against children in 2000, 2001, 2002 and 2003.

Because of differences both in definitions of maltreatment and methods for counting, it is not possible to aggregate data across jurisdictions. However, the Canadian Incidence Study of Reported Child Abuse and Neglect (2001) provided, for the first time, national estimates of child abuse and neglect reported to child welfare services. According to the Study, an estimated 135,573 child maltreatment investigations were carried out in Canada in 1998, an annual incidence rate of 21.52 investigations per 1,000 children. An estimated 61,201 child maltreatment investigations (45 percent) were substantiated, an estimated 29,668 (22 percent) remained suspected, and an estimated 44,704 (33 percent) were unsubstantiated. The primary categories of maltreatment in child investigations in 1998 were estimated to be physical abuse in 31 percent, sexual abuse in 10 percent, neglect in 40 percent and emotional maltreatment in 19 percent of investigations. After the initial investigation, 34 percent of cases remained open for ongoing services and 64 percent were to be closed (2 percent had not yet been determined). Eight percent of child maltreatment investigations led to a child being placed in care (foster placement, group homes, or residential/secure treatment) during the

initial investigation. Police investigation occurred in an estimated 21 percent of child maltreatment investigations and charges were laid in 10 percent.

VII. AWARENESS, ADVOCACY AND TRAINING

54. Over the last five years has your Government conducted or commissioned any campaigns for raising awareness of and preventing violence against children?

Governments at all levels have engaged in campaigns aiming at raising awareness of family violence and violence against children. For example, as part of the Family Violence Initiative, Public Service Announcements on family violence in multiple languages were developed for distribution to ethnic television and radio stations across Canada, and a series of articles about family violence was distributed freely to ethnic print media. (See also response to Question 22.)

From 2001 to 2004, Quebec conducted an awareness campaign about the sexual abuse of young people through various channels of communication: commercials at movie theatres and on the radio, stickers, theatre activities and the Internet site: www.agressionsexuelle.com.

The Newfoundland and Labrador Violence Prevention Initiative developed a two-day Violence Awareness and Action Training package and trained facilitators across the province (<http://www.gov.nf.ca/vpi/awareness.htm>). These facilitators have trained more than 400 individuals from various government departments and community agencies. Also February is designated as Violence Prevention month and a variety of campaigns are undertaken by schools, government departments and community agencies. (<http://www.gov.nf.ca/vpi/news/vpimonth2004.html>)

The Manitoba Government has been involved in a larger campaign targeting the general public which has focused on Family Violence Prevention (including violence against children). Messages and information were disseminated via print, radio, and television as well as through targeted print advertising in women's washrooms at public restaurants and nightclubs. In addition, Manitoba has conducted a number of in-school campaigns designed to raise awareness about inappropriate sexual touching, bullying and children's rights. These messages have been primarily delivered through print.

In Saskatchewan, initiatives have been taken by SaskTel (a telecommunications company) to address child abuse and family violence:

http://sasktel.com/about_sasktel/community/sasktel_employee_cause.html.

55. How were the campaign messages and information disseminated (check all that apply)?

Print media	X
Radio	X
Television	X
Theatre	X
Schools	X
Others	

56. Over the last five years, has your Government provided, commissioned or sponsored training programmes in the area of violence against children?

Governments in Canada do provide or sponsor a variety of training programs. A few specific examples follow:

- In Newfoundland and Labrador, training was organized for teachers and other educators on Bullying Prevention Programs; and Choices for Positive Youth Relationships. Some of these sessions included police, social workers and psychologists, parents, juvenile offenders personnel and transition house staff.
- Ongoing training of Alberta's ministry employees is a critical component to ensuring that children are safe, well cared for and protected. This includes specific training related to the *Child, youth and Family Enhancement Act* and the *Protection Against Family Violence Act*.
- Manitoba has sponsored a number of training programs in the area of violence against children, including a competency based province-wide training program whereby all child welfare workers receive training on a variety of child welfare issues such as child abuse prevention, intervention, redress and rehabilitation. In addition, protocols for understanding and recognizing child abuse as well as information on reporting responsibilities were updated in 2004 and shared with medical professionals, teachers and public health officials. In May 2000, Justice Manitoba had a training session for all crown attorneys in the province and for child abuse investigators that focused on investigative/interview techniques for children; it has also sent crown attorneys to workshops across the country on shaken baby syndrome; policing agencies in the province regularly hold child abuse investigators' courses.
- Training programs on violence against women have been conducted across New Brunswick with the release of the Women Victims of Abuse Protocols in the spring of 2004. It is expected that similar training will occur when the revision of the Child Victims of Abuse Protocols is released.
- The Saskatchewan Department of Community Resources and Employment provides Child and Family Services CORE Training for Child Welfare staff.