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## Canada and the Best Interests of Children

Today the Canadian Coalition for the Rights of Children (CCRC) released a new study on *“The Best Interests of the Child: Meaning and Application in Canada.”* It calls for a new approach to application of the Best Interests of the Child, a core principle in the Convention on the Rights of the Child. The report brings together research and the voice of practitioners who gathered for a national, multi-disciplinary conference on this subject at the University of Toronto on February 27 and 28, 2009. The conference was organized by the CCRC, the Law Faculty of the University of Toronto, the [David Asper Centre for Constitutional Rights](#), the [International Bureau for Children’s Rights](#), UNICEF Canada, and Justice for Children and Youth.

The report proposes that the focus for applying the Best Interests of the Child principle should shift from crisis response to prevention, through early attention in the development of all policies and programs that affect children. “This means considering the impact of proposed policies for children before they are adopted,” said Kathy Vandergrift, Chair of the CCRC.

A second major theme is the use of a rights-based approach to application of the principle, as part of the Convention on the Rights of the Child. “This means paying serious attention to the views of young people,” said Vandergrift, “and giving young people a voice in matters that affect them, such as custody lawsuits, child welfare hearings, adoption, education, and youth justice.

The report reviews how the principle of the Best Interests of the Child has been interpreted in Canadian laws, policies, and programming across a range of issues including family law, child welfare, immigration, adoption, and others. In 2003 Canada was asked by the UN Committee on the Rights of the Child to provide greater clarity and consistency in its application of this principle in the Convention. This year marks the 20<sup>th</sup> Anniversary of the Convention. “If implemented,” said Vandergrift, “the suggestions in this report would go a long way to meet the commitments made 20 years ago to respect the rights of children in Canada.” The report includes specific indicators of progress for Canadian children that could be achieved before the 25<sup>th</sup> Anniversary of the Convention.

Among more specific suggestions are the following:

- Establish a National Children's Commissioner as a focal point for children's issues within the federal government.
- Make the Convention on the Rights of the Child part of Canadian law; and
- Implement Jordan's Principle to put the best interests of Aboriginal children ahead of federal-provincial jurisdictional disputes and apply it to other children's issues as well.

This report appears as Canadians wait for the release of the federal government's third report on implementation of the Convention on the Rights of the Child. It was due in January 2009. "The best interests of children would be served by greater public accountability and public discussion of how well Canada is doing in respect for the rights of children," said Vandergrift, "before November's 20<sup>th</sup> Anniversary celebrations."

The full report is available in English and French on the website of the Canadian Coalition for the Rights of Children, [www.rightsofchildren.ca](http://www.rightsofchildren.ca).

For further information:

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