

sent via email: [premier@gov.bc.ca](mailto:premier@gov.bc.ca)

Honourable David Eby, KC  
Premier of British Columbia  
Parliament Buildings  
Victoria, B.C. V8V 1X4

July 28, 2023

**RE: Implementing the United Nations Convention on the Rights of the Child in B.C.**

Dear Premier:

On behalf of the Children's Law Section of the Canadian Bar Association, BC Branch ("CBABC"), we write to encourage the provincial government to develop a detailed action plan to effectively implement its obligations under the United Nations Convention of the Rights of the Child (UNCRC), and amend the *Family Law Act* and *Child, Family and Community Service Act* to better represent children's interests during proceedings across B.C.

Comprising over 7,700 members, CBABC works to promote fair justice systems, facilitate effective law reform and is devoted to eliminating discrimination. The mandate of our Children's Law Section is to highlight the significance, complexity and impact of legal situations facing children and youth; to improve the law affecting children and youth; and to provide practitioners interested and involved in children and youth issues with a forum for discussion, support and action.

### **Background**

In June 2022, Canadian federal and provincial/territorial governments received the [Concluding Observations on Canada's Fifth and Sixth Reports on the UNCRC](#). The UN Committee on the Rights of the Child's Concluding Observations followed careful examination of government reports, as well as evidence submitted by other experts including the national CBA and organizations who work with children across the country. The Concluding Observations set out serious criticisms about the failure to more fully implement the UNCRC and gave recommendations for areas of significant improvement, including recommendations that it described as needing urgent measures by federal, provincial and territorial governments.

The UN Committee expressed to Canada (including all provinces and territories) its concerns with the lack of a national strategy for fully realizing the UNCRC. Indeed, several recommendations are matters of provincial jurisdiction. Given the indivisible and interdependent nature of children's rights under the UNCRC, all government actors whose decisions impact children have a duty to implement and respect the totality of the UNCRC. This includes the BC government, which is obligated to show leadership in the areas in which it can effect change, and to work in partnership with the federal government and with other provinces and territories in others.

### **British Columbia and the UNCRC**

In terms of matters within B.C.'s jurisdiction, the UN Committee recommended that the province work with the federal government to ensure Indigenous communities in British Columbia receive the resources they require to ensure children's health and well-being. Other matters specifically under

provincial jurisdiction that require attention include ensuring that the education, health care, child protection, community services and justice systems all support and empower every child, including Black and Indigenous children, children from minority communities, children in care, and children with disabilities.

The UN Committee also called on Canadian governments to fully implement the Calls to Action made by the Truth and Reconciliation Commission and the National Inquiry into Missing and Murdered Indigenous Women and Girls. Other general measures recommended include the implementation of Child Rights Impact Assessments (a process currently [implemented](#) by the government of New Brunswick), support for a complaint mechanism under the UNCRC and improved data collection for the status and needs of children within the province.

The UN Committee further recommended that British Columbia ensure the implementation of the right of the child to be heard in accordance with Article 12 of the Convention by ensuring that hearing the views of the child are a requirement for all official decision-making processes that relate to children.

## Recommendations

Canadian governments have had since June 2022 to consider the recommendations of the UN Committee. As these Concluding Observations constitute a roadmap that could prove transformational in improving the lives of children across the country, the CBA membership [passed a resolution](#) at their Annual General Meeting earlier this year to again urge the federal government to table a detailed Government Action Plan in response. Accordingly, the CBA delivered a [submission](#) to the Prime Minister in March, advocating action.

At the provincial level, CBABC requests the BC government, as a duty-bearer under the UNCRC, to implement the recommendations of the UN Committee to support children across B.C. Specifically, CBABC recommends the government:

1. Follow the Concluding Observations by tabling a detailed Government Action Plan by the next World Children's Day on November 20, 2023; and
2. Ensure the full implementation of UNCRC Article 12 through amending:
  - [Section 203 of the Family Law Act](#) to reduce existing barriers in appointing counsel to assist children. The statutory framework for family law in B.C. places unnecessary restraints and barriers in ensuring that a child has access to a legal representative appointed to protect and promote a child's interests and to give them a voice throughout the court process. This is in direct contravention of the UNCRC, as well as the spirit and intent of the "best interests of the child" statutory framework. Children have even less access to services to have their voices heard in other areas of law that impacts them.
  - The [Child, Family and Community Service Act](#) to require the court to canvas how the child's views will be incorporated at the outset of each case and to include a provision that allows the court to appoint counsel for the child to represent their interests throughout the proceedings. The child should not be required to be made a party but should have the ability to participate "as if they were a party".



THE CANADIAN  
BAR ASSOCIATION  
British Columbia Branch

CBABC would welcome an opportunity to meet with you to discuss how we can help achieve these goals. Please contact Jess Furney, Manager, Policy and Advocacy by email at [jfurney@cbabc.org](mailto:jfurney@cbabc.org) should you wish to arrange further discussion.

We look forward to hearing from you soon.

Sincerely,

Aleem Bharmal, KC  
2022-2023 President  
Canadian Bar Association, British Columbia Branch

CC     Attorney General Niki Sharma, KC  
         Minister of Children and Family Development Mitzi Dean  
         Minister of Education and Child Care Rachna Singh  
         Minister of Health and Minister Responsible for Francophone Affairs Adrian Dix  
         Minister of Indigenous Relations and Reconciliation Murray Rankin, KC  
         Minister of Public Safety and Solicitor General Mike Farnworth  
         Minister of State for Childcare Grace Lore