

**B.C. & Yukon Provincial Council
Christian Family Life**

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3 **2019.01** **Canada to Honour its Commitment to the United Nations *Convention on the***
4 ***Rights of the Child***

5 **Resolved,** that national council of The Catholic Women’s League of Canada, in 99th annual
6 national convention assembled, urges the federal government to honour its legal
7 commitment to the United Nations *Convention on the Rights of the Child* by
8 providing legal protection to children before birth.

9 **Brief: Canada to Honour its Commitment to the United Nations *Convention on the***
10 ***Rights of the Child***

11 The *Declaration of the Rights of the Child* was drafted by the United Nations Commission on
12 Human Rights and adopted by the United Nations General Assembly on November 20, 1959. The
13 third whereas clause of the declaration states, “the child, by reason of his physical and mental
14 immaturity, needs special safeguards and care, including appropriate legal protection, before as
15 well as after birth” (UN OHCHR). Further to the declaration, the *Convention on the Rights of the*
16 *Child* was adopted and opened for signature ratification and accession by the United Nations
17 General Assembly on November 20, 1989. Canada signed the *Convention on the Rights of the*
18 *Child* on May 28, 1990, and legally bound itself to the document by ratifying it on December 13,
19 1991 (UN Treaty Collection Chapter IV).

20 All countries had the opportunity to register reservations regarding the convention. “A reservation
21 enables a state to accept a multilateral treaty by giving it the possibility not to apply certain
22 provisions with which it does not want to comply” (UN Treaty Collection, Glossary). Canada
23 submitted only two reservations, neither of which referenced the legal protection of children before
24 birth. According to the UN Treaty Collection, Glossary, a state party’s signature “...is a means of
25 authentication and expresses the willingness of the signatory state to continue the treaty-making
26 process. The signature qualifies the signatory state to proceed to ratification, acceptance or
27 approval. It also creates an obligation to refrain, in good faith, from acts that would defeat the
28 object and the purpose of the treaty” (Complied by Arts.10 and 18, Vienna Convention on the Law
29 of Treaties 1969). The glossary defines ratification as, “...the international act whereby a state
30 indicates its consent to be bound to a treaty if the parties intended to show their consent by such
31 an act.... The institution of ratification grants states the necessary time-frame to seek the required
32 approval for the treaty on the domestic level and to enact the necessary legislation to give domestic
33 effect to that treaty” (Complied by Arts.2 (1) (b), 14 (1) and 16, Vienna Convention on the Law of
34 Treaties 1969). The UNICEF *Introduction to the Convention on the Rights of the Child* reiterates
35 that “‘Ratification’ is an act by which a State signifies an agreement to be legally bound by the
36 terms of a particular treaty” (UNICEF). It has been 28 years since Canada ratified the *Convention*
37 *on the Rights of the Child* and yet the necessary Canadian legislation to protect children before
38 birth still has not been enacted.

39 Canada has no law protecting children before birth. The *Criminal Code* of Canada states in section
40 223(1), “A child becomes a human being within the meaning of this Act when it has completely
41 proceeded, in a living state, from the body of its mother...”. Section 223(2) reads, “A person
42 commits homicide when he causes injury to a child before or during its birth as a result of which
43 the child dies after becoming a human being” (Canada). These statements do not recognize or
44 legally protect the child before birth.

45 Canada signed and ratified the United Nations *Convention on the Rights of the Child*, without
46 reservation on the legal protection of a child before birth. This makes Canada legally bound to
47 honour its commitment, not only to Canadians, but to the world.

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86 **Action Plan**

- 87 1. Write to the prime minister and minister of justice with copies to local members of
88 parliament urging the legal protection to children before birth as stated in the United
89 Nations *Convention on the Rights of the Child* which Canada has signed and ratified.
- 90 2. Educate members on the importance of legal protection for unborn children and encourage
91 members to speak to family and friends.
- 92 3. Educate members on the importance of understanding United Nations' documents as they
93 apply to the lives of Canadians and encourage members to speak to family and friends.
- 94 4. Raise awareness to the annual Day of Prayer for the Legal Protection of Unborn Children
95 on January 22nd.
- 96 5. Monitor the federal government's response to this resolution.