



education

and the United Nations Convention
on the Rights of the Child



Canadian Coalition
for the Rights of Children

Coalition canadienne
pour les droits des enfants

A guide for people who work for or with children and youth

Copies of this publication are available from:
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Design explanation !

The graphic shows the letter "i" emphasized in the words "rights of the child." The idea behind this is that the "i" is important in both; each individual right is important, as is the importance of each child entitled to these rights. The "i" also serves as a silhouette of a child. The explanation mark drives home the point that this is an important issue that needs our attention. The mock world that forms the period of the exclamation mark emphasizes that this is an important global issue, one we all have to work together for, and that applies to all the world's children.



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Dear Friend:

During the spring and summer of 2001, the Canadian Coalition for the Rights of Children (CCRC), with funding from Human Resources Development Canada, began a project to spread awareness of the United Nations Convention on the Rights of the Child (CRC). This booklet is one outcome of that project.

The first stage of our project involved assessing existing knowledge of the principles and provisions of the CRC among those who work with or on behalf of children. We contacted 1700 such people or organizations across Canada and found a real eagerness for more information. We developed a prototype information booklet, which was evaluated by representatives of various stakeholders at two one-day workshops held in Ottawa in June of 2001. Modifications to both style and content were made based on their recommendations and a further evaluation was conducted by a specialist in the field. Over the next four months, approximately 400 draft booklets were pilot tested by people in a variety of organizations. Their experiences and recommendations were taken into account when developing this booklet. We are extremely grateful to all the people who so generously gave of their time and expertise.

This booklet is one of seven that were developed to provide an overview of the CRC for people who work with and on behalf of children in the following areas:

- child care
- education
- health care
- justice
- protection
- recreation
- resource and support programs

For copies of these booklets, contact the CCRC or download them from the CCRC website. We hope that they will be a useful reference for you.

Our aim is, with your help, to improve the lives of children and in so doing to work together toward building a culture of peace.

Sincerely,

**Board of Directors 2002,
Canadian Coalition for the Rights of Children**

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What are children's rights?

Children's rights are described in the United Nations *Convention on the Rights of the Child* (CRC). The CRC describes three categories of rights.

- Rights of *provision*, for example, the right to adequate education and health care.
- Rights of *protection*, for example, the right to be protected from abuse and neglect.
- Rights of *participation*, for example, the right to be heard in matters affecting the child.

What is the United Nations Convention on the Rights of the Child?

On November 20, 1989, the United Nations General Assembly unanimously adopted the *Convention on the Rights of the Child*, the most comprehensive treaty for the protection and support of children in existence today. It reaffirms the fact that children, due to their vulnerability, need special care and protection, defined in terms of rights. The CRC has been ratified by more countries than any other human rights treaty in history. Canada is one of 191 nations that have signed and ratified the CRC, demonstrating our government's commitment to recognize the fundamental human dignity of our children, and to ensure their well being and healthy development. (The USA and Somalia are the only 2 countries that have not ratified the CRC.)

How does the CRC define a child?

The CRC defines a child as every person under the age of 18, unless under a particular law the age of majority is attained earlier.

To ratify means to approve and sanction formally. Canada ratified the CRC in 1991.

Why do we need the CRC in Canada?

Overall, Canadian laws, policies and practices provide relatively well for children's rights. Nonetheless, many children in Canada live in poverty. Some Canadian children receive inadequate health care and experience poor nutrition, and some are abused or exploited. Also, a substantial number of Canada's refugee and immigrant population are children who are living with the long-term trauma of war or civil conflict. The CRC, then, is a valuable means of emphasizing the continuing need to protect children from conditions that compromise their healthy development, and to provide optimal conditions to ensure their well-being.

The CRC also articulates the need for meaningful participation of children in matters that affect them. Canadian children are given few opportunities for input in decisions that affect them in their families, schools and communities. The CRC encourages meaningful opportunities for youth participation and acknowledges the value of participation as a necessary part of healthy development.

But we have a Charter over Rights in Canada; why do we need something more?

The *Canadian Charter of Rights and Freedoms*, as well as other international human rights treaties and provincial human rights legislation, applies to all adults and in many cases to children. However, these human rights documents and laws do not deal with the rights of children in a clear and systematic way. Nor do they recognize the unique developmental needs of children. The CRC is important as it clearly recognizes children as independent rights-bearing persons and focuses on the specific needs of children for healthy development.

FYI

For more information about the status of children's rights in Canada see:

Canada's NGO Report to the UN General Assembly Special Session on Children, www.rightsofchildren.ca

How Does Canada Measure Up? www.rightsofchildren.ca

Covell, K. & R. Brian Howe (2001). *The Challenge of Children's Rights for Canada*. Wilfrid Laurier University Press. ISBN: 0 88920 380 6

Convention on the Rights of the Child: Second Report of Canada. Canadian Heritage, 15 Eddy Street, Hull, Quebec, K1A 0M5; Phone (819) 997-0055

Online version of the United Nations Convention on the Rights of the Child, www.unhchr.ch/html/menu3/b/k2crrc.htm

For a youth-friendly version, Say It Right! The Unconventional Canadian Youth Edition of the United Nations Convention on the Rights of the Child. Available through CCRC, c/o Canadian Institute of Child Health, Suite 300, 384 Bank Street, Ottawa, Ontario, K2P 1Y4.

Does the CRC address responsibilities?

With rights come responsibilities. The CRC outlines the following responsibilities:

- *For governments:* to support families and communities, and to respect and provide for the rights of children through laws, policies and special programs.
- *For parents:* to provide for the rights and best interests of their children.
- *For society:* to respect the rights of children and to support programs that provide for children's rights.
- *For children:* to respect the rights of others. (Studies show that the more children know about their own rights, the more likely they are to respect the rights of others.)

How is the CRC interpreted?

Four principles serve to guide interpretation of the CRC:

1. *The best interests principle.* The CRC requires that the best interests of the child be a primary consideration in all decisions that affect children (*Article 3*).
2. *Non-discrimination.* All children, regardless of their ethnocultural, socioeconomic, or health status must have their rights respected and be protected from any form of discrimination (*Article 2*).
3. *Life, survival and development.* Every child has the inherent right to life, survival and optimum development (*Article 6*).
4. *Participation.* Children must be given the opportunity to express their views and have those views considered in all matters that affect them, in accordance with their evolving capacities (*Articles 12, 13, 14 and 15*).

What does the CRC mean for parents?

The CRC recognizes the fundamental importance of the family to healthy child development (*Preamble*, and *Articles 3, 5, 9, 14 and 18*).

The CRC addresses children's participation. Does this mean we're supposed to let children make all of their own decisions?

No. *Article 12* requires that children be given meaningful and age-appropriate opportunities for participation in matters that affect them. However, this does not mean that children should be given absolute decision-making power. Under the CRC, parents and other adults have the responsibility to engage children as active and valued participants in all decisions that affect them, while providing them with advice and appropriate guidance. Adults can provide age-appropriate opportunities for decision-making by encouraging younger children to participate in everyday decisions (such as whether they would prefer milk or juice with their breakfast). As children mature, their capacity for autonomous decision-making increases and greater independence should be encouraged.

Age-appropriate opportunities for participation are essential to healthy child development. When adults are interested in children's thoughts and respect children's opinions, their self-esteem is affected in a positive manner. Also, when children are guided in making positive decisions, they learn skills necessary to become active and responsible members of society.

Does the CRC require protection of children from abuse?

The CRC requires Canada to take all appropriate legislative, administrative, social and educational measures to protect children from all forms of abuse and neglect (*Articles 19, 32, 33, 34, 36 and 37*). The experience of abuse or neglect has a negative effect on children's physical, mental and emotional well-being which may persist over their lifespan. Recognizing the serious and persistent effects of such experiences, the CRC requires that any child who is a victim of abuse,



For more information about the effects of teaching children about their rights, see the following articles:

Covell, K. & Howe, R.B. (1999). The impact of children's rights education: A Canadian study. *International Journal of Children's Rights*, vol. 7, pp. 171-183.

Covell, K. & Howe, R.B. (2001). Moral education through the 3 Rs: Rights, respect, and responsibility. *Journal of Moral Education*, vol. 30 (1), pp. 31-42.

neglect, exploitation or torture be provided with treatment that will promote both physical and psychological recovery, and social reintegration (*Article 39*).

Are there any special protections for ethnic, religious and linguistic minority groups and for Aboriginal children?

A fundamental principle of the CRC is non-discrimination (*Article 2*). The rights of each child are to be respected. However, there are also special provisions in the CRC for children who are members of indigenous or ethnocultural minority groups. Under *Article 30*, children belonging to any minority or indigenous group have the right to enjoy their own culture, practice their own religion, and use their own language. *Article 31* recognizes the right of children to participate freely in cultural life, and requires governments to encourage the provision of opportunities for participation in cultural activities.

The CRC also provides special protections for Aboriginal and minority children who must be removed from the family. When placing children in alternative care, all efforts should be made to place the child in a culturally similar home (*Article 20*). However, if a culturally appropriate placement is not available, alternative caregivers should guide and encourage children to continue to practice their own culture.

Does the CRC apply to Canadian law?

Canada ratified the UN *Convention on the Rights of the Child* on December 13, 1991. However, upon ratification the articles contained within the CRC did not automatically become part of Canadian law. Ratification of the CRC requires Canada to review domestic laws and practices regarding children and to revise public policy and practice such that the minimum standards set by the CRC are reached over time.

As an international treaty, the CRC is a part of binding international human rights law. As such, Canadian courts have begun to consider the CRC when making decisions affecting children. In addition, Canadian organizations that work with or on behalf of children should use the CRC as a reference point when setting standards. The CRC can serve as an effective tool for child advocates in their work to improve the situation for children.

How has the CRC been used in Canada to defend the rights of children?

The CRC has been used in a number of ways to defend and promote the rights of children in Canada.

- The CRC has been used as an educational tool. For example workshops have been held to inform teachers, child protection workers and police officers about the CRC and the importance of its implementation. Such workshops encourage respect for children's rights, and remind adults of the unique developmental needs of children.
- The CRC has been used effectively as an advocacy tool. For example, child advocates were successful in getting the CRC included in the preamble to the new Youth Criminal Justice Act. This means that the CRC can and should be used by the courts and justice officials when interpreting the Act.
- Recently, the CRC has been used as an interpretive guide in court cases in both the Supreme Court and lower courts of Canada involving children and families. For example, several family court cases have used *Article 3* of the CRC to reinforce the "best interests of the child" standard already present in Canadian law. The CRC has been used in other cases to justify the definition of a youthful offender. Immigration cases have also cited the CRC to prevent the separation of children from their families.



See the following cases for more information on the use of the CRC in Canadian courts:

Young v. Young, [1993] 4 S.C. R. 3. R. v. L. (D.O.), [1993] 4 S.C.R. 419

Francis (Litigation guardian of v. Canada (Minister of Citizenship and Immigration),

- The CRC can be used by each of us to remind governments of their obligations and to encourage them to work towards compliance with the CRC, and to encourage the public to support their efforts.

How is the CRC enforced?

Upon signing the CRC, the Canadian government was required to report its progress to the United Nations Committee on the Rights of the Child. The first report was due two years after ratification, and additional reports are due every five years (*Article 44*). Upon reviewing Canada's reports, the UN Committee makes recommendations for changes in policy and practice, which Canada is expected to consider and to report back on progress in the next report. However, no formal measures exist to enforce the CRC or the Committee's suggestions. The basic method of enforcement is through domestic and international pressure. Groups such as the CCRC support this work through monitoring and reporting on Canada's progress towards meeting these obligations under the CRC (*Article 45*).

What does the CRC say about children's right to education?

The CRC recognizes the right of every child to education. The goal, described in *Article 28*, is for governments to work toward the provision of quality education at all levels, from free and compulsory primary education, to accessible higher education. Across levels, children should have access to educational and vocational information and guidance. Governments also are required to take measures to reduce drop-out rates.

Compared to many countries in the world, Canada has an excellent record of providing education for children. However, there are some problems in Canada which make it difficult for all children to receive the same quality of education. Because education in Canada is under provincial jurisdiction, a wide variation exists among provinces and territories in educational standards. In addition, variation exists within provinces. Often students in rural areas have less access to facilities and equipment than do students in more urban areas. Another problem is the increasing need for parents to supply resources for their child's education. This limits the participation of children from low-income families in many educational and extra-curricular activities. Some children must fundraise so that their schools can update books or supplies – materials that used to be government funded. Also, for Aboriginal students and students from cultural, religious or linguistic minorities, a lack of culturally appropriate school curricula taught in their native

Did You Know...

Although Canada is required to achieve children's right to education "progressively", average national per-pupil expenditures decreased throughout the 1990s, from \$6,735 in 1992 to \$6,482 in 1996. This often results in the loss of classes like art, physical education and music, as well as the loss of extra-curricular activities.

Did You Know...

Despite the obvious importance of teachers having knowledge of child development and child rights, many teachers in Canada receive little exposure to such information. Few teacher education programs in Canada have child development courses in their curriculum, and even fewer require students to have courses in child development before they are accepted.

language can limit educational opportunities and increase the likelihood of early school leaving.

Does the CRC say what types of things children should learn in school?

Under *Article 29* of the CRC, Canada agreed that the education of children should be directed toward the realization of certain goals. Education should be directed towards the development of children's personality, talents, and mental and physical abilities to their fullest potential. Towards these ends, school curricula should comprise an age-appropriate combination of academics, artistic, cultural and social activities.

Children have the right to participate in social activities. *Article 31* recognizes children's rights to rest, play, recreation, leisure and cultural activities. Play and recreation, including sports, are essential for healthy development and can help the child to development reasoning and intelligence. Play allows young children to develop skills in creativity, flexibility, role-taking, organizing, building, exploring and using their body.

Recreation can be important for social development. For both younger children and adolescents, peer group interactions offer the chance to develop social skills by communicating, sharing, role-taking and cooperating. The CRC recognizes the importance of peer groups in *Article 15*, which articulates children's right to freedom of association and assembly. Therefore, education should provide children with opportunities to take part in art, music and physical education, to interact with peers and to participate in extra-curricular activities.

Under *Article 29*, another goal of education should be to prepare the child for a responsible life in society. This is defined in terms of helping the child develop respect for parents, the environment, human rights, the child's own culture and language, and the culture

of other children. One way this can be accomplished is by teaching children about their rights. When children learn about their own rights, they demonstrate greater rights-respecting attitudes and behaviours towards others. *Article 42* directs Canada to ensure that all children as well as adults know about the CRC. When reviewing Canada's first report, the UN Committee suggested that the rights of the child be incorporated into school curricula. Some schools, mostly in Alberta, B.C, and Nova Scotia have taken this step. In Nova Scotia, for example, children's rights has been incorporated into Health and Social Studies curricula from kindergarten through grade 6.

Does the CRC say anything about how children should be taught?

The specifics of classroom teaching are not addressed in the CRC. However, appropriate teaching styles can be inferred from the general principles such as the best interests principle and the principle of participation. Democratic teaching styles are consistent with these principles.

A major component of democratic teaching is that it allows children to participate in classroom decision-making. Children participate in making decisions about the types of tasks to be done, individual or group learning, class rules, seating arrangements, homework assignments and use of free time. For example, children might choose whether a project is to be completed individually or with a group, how the project will be presented, or the topic of the project. Allowing children's input into these kinds of decisions also is consistent with *Article 13*, which recognizes children's right to freedom of expression, including freedom to seek, receive and impart information of all kinds. Democratic teaching consistently has been shown to be in the best interests of children. It is related to



Children's right to freedom of expression is sometimes limited in the publishing of school newspapers.

Do you think children's rights should be limited in this circumstance?

What types of things should be censored?

What about a junior high school student who wants to publish an article about STD protection?

What rights would be respected by allowing the student to publish this type of article?

Are there reasons why the student shouldn't be allowed to publish the article?

How can teachers and students work together to solve such disagreements?



FYI

For more information on designing and creating play environments for children, see: *Making Space for Children: Re-thinking and Re-creating Children's Play Environments* published by the Society for Children and Youth of British Columbia, 1409 Sperling Avenue, Burnaby, V5B 4J8; or visit www.scyofbc.org

For suggestions of activities to teach children about their rights, see the following resources:

- UNICEF CANADA has a number of resources available – contact them at Canada Square, 2200 Yonge Street, Suite 1100, Toronto, ON M4S 2C6; or visit www.unicef.ca

- Children's Rights Education Curriculum Resource for Grade 6 and Grade 8 – contact the Children's Rights Centre, University College of Cape Breton; or visit their website at <http://faculty.uccb.ns.ca/childrensrights/resource.htm>

- Aboriginal child rights curriculum information – contact the Institute for Child Rights and Development, Centre for Global Studies, University of Victoria, P.O. Box 1700, Victoria, BC, V8W 2Y2; or visit www.uvic.ca/icrd

positive self-perception, a sense of personal efficacy, social responsibility, self-esteem and good decision-making skills. Despite these benefits, few children are taught in a democratic classroom. In fact, there are often decreased opportunities for participation in higher grades. Rather than giving children's views increased weight with age (*Article 12*), there tends to be a greater emphasis on teacher control and discipline through the junior high school years. Principals, administrators and school board officials can encourage the use of democratic teaching styles by providing teachers with information and opportunities for training. It would be helpful if teacher training programs included courses on democratic teaching methods.

What does the CRC say about children's participation in school?

Under *Article 12*, children have the right to express their opinion in all matters that affect them. Democratic teaching is one way to provide for children's participation rights in the classroom. But what about the rest of the school environment?

One way to provide for participation in the school is to develop school councils that allow students to have input into the design of school policies and procedures. A second means of providing for participation is to establish procedures through which students can voice grievances or appeal decisions such as dress codes, suspensions or expulsions. Although such systems do exist in some parts of Canada, it is usually the parent, rather than the child, who has the right to appeal decisions.

What does the CRC say about school discipline?

Article 28 states that school discipline should be administered in a manner consistent with the child's human dignity and in a manner which conforms with

the rest of the CRC. A number of articles of the CRC need to be taken into account when determining school discipline.

Most important are the following: the provision of direction and guidance in ways which are age-appropriate (*Article 5*); the protection from arbitrary interference with privacy and unlawful attacks on the child's honour and reputation (*Article 16*); protection from all forms of mental and physical violence (*Article 19*); the allowance of participation in setting rules (*Article 12*); and the consideration of the child's best interests (*Article 3*).

These rights suggest that shouting, threatening or humiliating a child are inappropriate. Most school districts in Canada forbid physical punishment.

What does the CRC say about education for children with disabilities?

The CRC's guiding principle of non-discrimination (*Article 2*) means that all children have the right to education. *Article 23* describes the specific rights of children with disabilities, including the right to a full and decent life, education, training, recreation opportunities and preparation for employment. Therefore, education should be provided for children with disabilities, disorders and/or health impairments, and should be designed to allow children with disabilities to develop to their full potential. Despite this, many children with disabilities have difficulty obtaining a quality education. The 1991 Health and Activity Limitation Survey (the most recent national study on children with disabilities) found that 44.2% of 5- to 14-year-old children with disabilities said their disability interfered with their education. The results of the survey suggested that inclusion policies for students with multiple developmental or emotional disabilities generally were



FYI

For more information on children with special needs and inclusive education contact: SpecialLink, PO Box 775, Sydney, NS, B1P 6G9, 1-800-840-INNK; or visit www.speciallinkcanada.org



Schools are not permitted to use dress codes as a means of prohibiting students from wearing traditional or religious dress, for example turbans or veils. However, schools do have the right to insist on certain dress codes. This is often an issue of controversy. In one case in Canada, a student was not permitted to attend her graduation ceremonies because she had dyed her hair blue.

What do you think about school dress codes?

Should this student have been permitted to graduate and to attend graduation ceremonies?

Should schools be able to establish dress codes?

What role should students have in establishing dress codes?

How restrictive should dress codes be? What rights under the CRC apply to this situation?



In the wake of numerous school shootings throughout the US and Canada, many schools have adopted a "zero tolerance" policy towards violence. Many people agree with such a policy in theory – that it is never okay to act violently towards another person. However, many people disagree with the implementation of such policies, which may not be consistent with developmental stages. In a Nova Scotia school, a seven-year-old boy was suspended for pointing a chicken finger at another child and saying, "Bang".

What do you think about zero-tolerance policies?

Should the child have been suspended for the chicken finger incident?

What alternatives are there for dealing with this situation?

Are suspensions always the best solutions?

What rights are violated and/or provided for by such policies?

How can we be proactive to prevent violence rather than simply reacting to it?

inadequate. These difficulties may result from funding cuts, from the need for more specialized teachers and teachers' aides, and from the lack of appropriate instructional materials. Increased resources and better educational supports are needed to provide for the rights of students with special needs.

What does the CRC say about education for children who are members of Aboriginal or of ethnic, religious or linguistic minority groups?

Every child of minority or indigenous origins has the right to enjoy his or her culture, to use his or her own language, and to profess and practice his or her religion (*Article 30*). Children should not be prevented from using their native language while at school, nor should school policies or procedures restrict the child's ability to practice his or her culture. For example, schools with dress codes should not prohibit students from wearing traditional dress, and allowance should be made for religious minority holidays. All provinces in Canada have taken steps to ensure a secular education and respect for religious diversity in schools, most by giving the principle of respect for religious diversity explicit expression in provincial education legislation. However, the lack of appropriate instructional materials remains a key issue for many minority and Aboriginal children. School curricula are best if culturally sensitive and inclusive of a variety of ethnocultural information.

Sometimes children in my school miss class because they have to help with a family business, or because they worked late hours at their part-time job. Is this okay?

The CRC does not regulate the day-to-day details of home life, nor does the CRC prevent parents from expecting their children to help out at home or with a family business, or for older children with a part time job in the community. However the CRC does, require that the chores and work children perform are age-appropriate and safe, and do not jeopardize any other rights, including the right to education and play (*Article 32*).

What about school bullying?

Children's rights can be violated by other children. Many children's rights are violated by the direct or indirect experience of bullying at school (e.g., *Articles 2 & 29*). Bullies tease, humiliate, intimidate, threaten, hit, steal, spread rumours or socially isolate other children. Bullying is sometimes seen as a normal part of childhood that is best ignored. But there are serious consequences. School and classroom activities are disrupted. The victim's anxieties and insecurities are increased, as are the victim's absences from school. Bullies themselves are often victims of early or ongoing rights violation and, if not helped, often experience increasing difficulties which may lead to criminal convictions.

Article 17(e) speaks to the important role that media can play in not promoting violence. Media violence is an identified factor in increased aggression in children that can lead to bullying. In addition, the teaching of rights has been shown to be effective because it increases respect for the rights of others.



For more information about dealing with bullying see:

- "Bullying at school – a Canadian perspective: A survey of problems and suggestions for intervention," by A. Charach, D. Pepler & S. Ziegler. In *Education Canada, 1995, Vol 35* pp.12-18.

For activities about dealing with bullying see:

- Fair Schools: Public Report No. 35, Office of the Ombudsman, British Columbia, May 1995. Constructive suggestions for improvements by schools, school boards, governments and communities that will foster respect, listening, advocacy, participation and inclusion. ISBN 1-7726-2524-7. Contact Ombudsman, Legislative Assembly, Suite 200, 1111 Melville Street, Vancouver, BC, V6E 3V6; 1 800 567-3247.

- Let's Talk about Bullying, Family Service Canada, 383 Parkdale Avenue, Suite 400, Ottawa, ON, K1Y 4R4; or visit www.talk-helps.com (for kids) and www.bullybeware.com (for parents/educators).

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Children's Rights Quiz

Test your knowledge of the CRC! Read each of the following statements and decide if you think they are true or false. Then turn to page 28 to see how you did!

1. Almost all countries in the world ratified the CRC in the 1990s.
2. The CRC gives children the right to express and have their opinions heard regarding decisions that affect them.
3. When children are in foster care, the CRC requires that all aspects of their placement be reviewed regularly.
4. The CRC indicates that young people should not have to take jobs that leave little time for social activities.
5. The CRC defines children as all persons up to age 16.
6. The CRC requires the provinces to take measures to encourage school attendance and reduce drop-out rates.
7. The CRC is silent on the issue of protecting children from the illicit use of narcotics.
8. Under the CRC, Canada should provide special protection and assistance to children who are seeking refugee status, regardless of their parents' situation.
9. Under the CRC, children who are sick have the right to participate in decisions about their treatment.
10. The CRC says that school discipline should be consistent with the child's dignity.
11. The CRC upholds the family as the fundamental group of society.
12. The CRC is silent on the issue of privacy for children.
13. The CRC does not address the issue of whether a child has rights prior to birth.
14. The CRC allows for traditional practices that may compromise the health of the child, if the practices are an integral part of the family's cultural heritage.

15. Upon ratification, the CRC became part of Canadian law.
16. The CRC says that governments should take measures to ensure there is child care available to those who need it, as long as they are eligible for it.
17. The CRC requires that the Canadian government provide some international assistance.
18. The CRC recognizes the right of the child to have a voice in community decision-making affecting youth.
19. Implementation of the CRC in Canada is the sole responsibility of the federal government.
20. Under the CRC, it is parents, not governments, who are charged with providing an adequate standard of living for their children.
21. The CRC says that in custody disputes, children have the right to have their views heard and taken into account.
22. Under the CRC, Canadian governments should take measures to ensure that children have access to information that promotes their health and well-being.
23. The CRC does not address the issue of religious freedoms for children.
24. The CRC fails to provide for the due process of young offenders.
25. The CRC says that its principles must be made known to those working with children, although not necessarily to children themselves.
26. Under the CRC, custody of juvenile offenders is to be used only as a last resort.
27. The CRC addresses child prostitution, but is silent on the use of children in pornography.
28. Under the CRC, children have the right to be protected from all forms of physical and mental violence.
29. The CRC requires that children who have experienced any form of abuse, neglect, or exploitation be provided with rehabilitative care.

30. The CRC requires that First Nations or minority children be provided with opportunities to practice their own culture but not necessarily their own language.
31. Under the CRC, children have the right to access information via the internet, subject to parental guidance.
32. The CRC does not address the issue of discrimination against children.
33. Under the CRC, children have the right to have their voices heard in the determination of school rules such as dress codes.
34. The CRC recognizes the right of the child to play and leisure.
35. The CRC has been used by the court as an interpretive guide in legal cases.
36. Under the CRC, children with disabilities have the right to education that helps them achieve self-reliance.
37. The CRC obligates Canadian governments to not only provide health care for pregnant women, but also to teach them the advantages of breastfeeding.
38. The CRC recognizes the right of children who are removed from their biological parents to have input into decisions about their placements.
39. The CRC pits children's rights against parental rights.
40. One problem with the CRC is that it does not take into account the evolving capacities of children.

Now turn the page to find out how you did!



Answers

1. True – According to the Office of the United Nations High Commissioner for Human Rights, 191 countries had ratified the CRC by 1997. This means that the CRC has been ratified by all but two countries — the United States of America and Somalia.
2. True – Article 12 states that children who are capable of forming their own views have the right to express those views freely in all matters that affect them. The views of the child are to be given due weight in accordance with the age and maturity of the child.
3. True – Article 25 recognizes the right of any child who has been placed by authorities for purposes of care or protection to a periodic review of their treatment or placement.
4. True – Under the CRC, children are permitted to work. However, Article 32 recognizes the right of the child to be protected from any work that will be harmful to the child’s physical, mental, spiritual, moral, and social development, and work that does not leave time for social activities will hamper many aspects of the child’s development. In addition, such work is a violation of the child’s right to rest, leisure, play, and recreational activities, which is articulated in Article 31.
5. False – Article 1 defines children as every human being below the age of eighteen years, unless domestic law says otherwise.
6. True – Article 28.1(e) say that countries shall take measures to encourage regular attendance at schools and the reduction of drop-out rates. Because education in Canada is under provincial jurisdiction and the provinces have ratified the Convention, this responsibility becomes a provincial one.
7. False – In fact, the CRC has an article that specifically addresses this issue. Article 33 states that countries must take all appropriate measures to protect children from the illicit use of narcotic drugs and psychotropic substances, and to prevent the use of children in the illicit production and trafficking of such substances.
8. True – Under Article 22.1, any child who is a refugee or is seeking refugee status must receive appropriate protection and humanitarian assistance, whether unaccompanied or accompanied by his or her parents or by any other person. In addition, Article 2 obligates countries to ensure the rights of children without discrimination, including discrimination based on the status of the child’s parents.

9. True – As with question 2, Article 12 states that children who are capable of forming their own views have the right to express those views freely in all matters that affect them, which would include treatment decisions.

10. True – Under Article 22.2 school discipline must be administered in a manner consistent with the child’s human dignity and in conformity with the CRC.

11. True – The CRC clearly recognizes the importance of the family. The fifth and sixth paragraphs of the preamble state that the family is the fundamental group of society and the natural environment for the growth and well-being of children, and that the child should grow up in a family environment. Articles 3.2, 5, and 14.2 recognize the rights and duties of parents or legal guardians to protect children and guide children in the exercise of their rights. Article 9 protects children from separation from their parents, unless such separation is in the child’s best interests, and outlines necessary procedures to allow the child to maintain contact with his or her parents in the event of such separation. Finally, Article 18 articulates the importance of both parents having common responsibilities for the child’s upbringing, and that parents or legal guardians have the primary responsibility for the development of the child.

12. False – Article 16 specifically recognizes a child’s right to privacy, stating that no child shall be subjected to arbitrary or unlawful interference with his or her privacy.

13. True – There is some mention in the CRC of the prenatal environment. The ninth paragraph of the preamble states that the child needs special safeguards and care before as well as after birth, and Article 24.2(d) obligates countries to ensure appropriate prenatal health care for mothers.

14. False – Although the CRC does stress the importance of culture, Article 24.3 requires States Parties to take effective and appropriate measures toward abolishing traditional practices that are detrimental to the health of children.

15. False – The CRC is a document of international law, but it does not automatically become part of Canadian law upon ratification. However, Article 4 obligates States Parties to undertake all appropriate legislative, administrative and other measures for the implementation of the CRC.

16. True – Article 18.3 says that countries shall take all appropriate measures to ensure that children of working parents have the right to benefit from child care services and facilities for which they are eligible.

17. True – The CRC promotes international assistance and co-operation in numerous areas. Under Article 4, with regard to economic, social, and cultural rights, States Parties are to undertake implementation measures within the framework of international cooperation. In addition, international cooperation is encouraged in areas such as provision of health care (Article 24.4); elimination of illiteracy (Article 28.3); protection of children from abduction and trafficking (Article 35); exchange of information, particularly concerning preventative health care and the care of disabled children (Article 23.4); protection of children from sexual abuse and exploitation (Article 34); and protection and care of children affected by armed conflict (Article 38.4).

18. True – Article 12 states that children who are capable of forming their own views have the right to express those views freely in all matters that affect them, which would include many community decisions.

19. False – It is clear that Canada's federal government plays a major role in implementing the CRC. For example through providing funding to the provinces/territories, through research on child development and children's rights, and through promoting the CRC. Nonetheless, many of the areas addressed by the CRC fall under provincial or territorial jurisdiction. Implementation, then, is a joint responsibility of both levels of government.

20. False – In Articles 3.2, 18.1, and 27.2 the responsibility of parents to provide an adequate standard of living for their children is recognized. However, the CRC also recognizes that parents may need assistance to provide for their children's needs. Article 18.2 obligates countries to provide assistance to parents and legal guardians in the performance of the child-rearing responsibilities, and Article 27.3 specifies that this assistance should come in the form of material assistance and support programs, particularly with regard to nutrition, clothing and housing.

21. True – Article 12 states that children who are capable of forming their own views have the right to express those views freely in all matters that affect them, which would include custody decisions. Article 12.2 also makes specific mention of the child having the opportunity to be heard particularly in judicial and administrative procedures.

22. True – Article 13 articulates the child's basic right to freedom of expression, which includes the freedom to seek, receive, and impart information and ideas of all kinds. In addition, Article 17 and Article 24.2(e) also make specific mention of the child's right to access information aimed at the promotion of social, spiritual and moral well-being and physical and mental health, particularly concerning topics such as child health and nutrition, hygiene, and the prevention of accidents (injuries).

23. False – Under Article 14.1, the child has the right to freedom of thought, conscience, and religion. However, as stated by Article 14.2, parents and legal guardians should provide direction to the child in the exercise of this right, and this should be done in a manner consistent with the child's evolving capacities.

24. False – Articles 37 and 40 address issues that would apply to children in contact with the law. In general, these articles state that all children have the right to be treated with humanity and respect, and to be protected from all forms of torture, capital punishment, life imprisonment, and arbitrary or unlawful deprivation of liberty. Also, all children accused of crimes have the right to be informed promptly of the charges, to receive legal assistance, and to be presumed innocent until proven guilty in a prompt and fair trial.

25. False – Article 42 states that the principles and provisions of the CRC are to be made widely known, by appropriate and active means, to adults and children alike.

26. True – Article 37(b) states that the arrest, detention or imprisonment of a child should be used only as a measure of last resort and for the shortest appropriate period of time.

27. False – Article 34 obligates States Parties to take all appropriate measures to prevent the use of children in pornographic performances and materials, and to protect children from other forms of sexual abuse.

28. True – Under Article 19.1, States Parties must take all appropriate legislative, administrative, social and educational measures to protect children from all forms of physical or mental violence.

29. True – Article 39 obligates States Parties to take appropriate measures to promote physical and psychological recovery and social reintegration of child victims in an environment that fosters the health, self-respect, and dignity of the child.

30. False – Article 30 states that children of ethnic, religious or linguistic minority and indigenous children have the right to use their own language, in addition to the right to enjoy their own culture, and to profess and practice their own religion.

31. True – Article 13 articulates the child’s general right to seek, receive, and impart information through any media of the child’s choice, and Article 17 obligates States Parties to ensure that the child has access to information and material from a diversity of sources. However, Article 17(e) encourages the development of appropriate guidelines to protect the child from information and material that will harm his or her well-being, and Article 5 articulates the parents’ responsibilities to provide the child with direction and guidance in exercising his or her rights, in accordance with the child’s evolving capacities.

32. False – Article 2 states that the rights in the CRC are to be provided for all children without discrimination and requires States Parties to take appropriate measures to protect the child against all forms of discrimination.

33. True – Article 12 states that children who are capable of forming their own views have the right to express those views freely in all matters that affect them, which would include school rules.

34. True – Article 31 recognizes children’s right to rest, leisure, play, recreational activities, cultural life, and the arts. Article 31.2 also asks States Parties to encourage the provision of appropriate and equal opportunities for such activities.

35. True – There has been increasing use of the CRC in both the Supreme Court and lower courts to interpret or supplement Canadian law.

36. True – Under Article 23.3, children with disabilities should have access to education, training, health care, rehabilitation, preparation for employment and recreation opportunities in a manner which allows the child to achieve social integration and individual development to the fullest extent possible. In addition, Article 23.1 recognizes the right of children with disabilities to enjoy a full life in conditions that promote self-reliance and facilitate the child’s active participation in the community.

37. True – Article 24.2(e) obligates States Parties to take all appropriate measures to ensure that all segments of society, in particular parents, are informed of and have access to education about the advantages of breastfeeding, and are supported in the use of breastfeeding.

38. True – Article 12 states that children who are capable of forming their own views have the right to express those views freely in all matters that affect them, which would include placement decisions. Article 12.2 also makes specific mention of the child having the opportunity to be heard in judicial and administrative procedures. In addition, Article 9.2 states that, when children are separated from their parents, all interested parties (which would include the child) should have the opportunity to participate in the proceedings and to have their views known.

39. False – Although the CRC focuses on the rights of children, it also recognizes the fundamental importance of the family to healthy child development and addresses the responsibilities of parents to provide for the rights and best interests of their children.

40. False – Article 5 articulates parents’ responsibilities to provide the child with direction and guidance in exercising his or her rights, in accordance with the child’s evolving capacities. Article 12.1 and Article 14.2 also reiterate this principle.

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