

10 Steps for Children in Canada

Introduction

The Third/Fourth Review of Canada's record on children's rights resulted in a long "to-do" list that ranges from specific policy changes to reforming the way we govern for children in Canada. Specific policies can be changed easily; structural reform is a challenge. Both are necessary for children now and for the future of Canada.

What's next for children's rights in Canada? There is no single answer, but there are feasible steps we can take. The report from the expert UN Committee on the Rights of the Child, called Concluding Observations, makes many of the same recommendations that Canadians who care about children's rights are making. We hope that individuals, groups, and all governing bodies will pursue specific items on the "to do" list. Together we can build a Canada fit for children, and fit for all the rest of us as well.

Government Action Plan

The Canadian government delegation stated before the UN Committee that Canada is fully committed to protect children's rights by implementing the Convention. We now ask that they table a public response to the report within a year, clearly indicating how they plan to act on its recommendations. If they reject recommendations, they owe Canada's children an explanation or an alternative action.

Other countries with comparable economic and political conditions are making progress. Taking no action in Canada is not acceptable.

Step by Step

The Concluding Observations are comprehensive; they address the full range of children's rights. To move from report to action, the CCRC plans to focus on specific areas in turn and draw attention to improvements that we can make in Canada.

The following list of *10 Steps For Children in Canada* is a starting point. It combines specific and systemic changes across the scope of children's rights, but it does not cover everything. The Convention itself remains our touchstone and we hope readers will dig into the full report as well. It can be found on the CCRC website at

www.rightsofchildren.ca.

1. Accurate Data and Analysis of the Situation of our Children

Our governments could not supply accurate, basic information about Canada's children. They could not answer basic questions or provide a clear assessment of how children are doing in Canada. Selective, favourable data was highlighted; facts that raise questions were omitted; and there were many gaps in the analysis needed to measure progress for children. The federal government committed to improve data in human rights reports four years ago, but this review showed there has been little progress.

“... Set up a national, comprehensive data collection system and analyse the data to assess progress... and design programs. “

(Concluding Observations, paragraph 21)

CCRC recommends convening a multi-stakeholder group to develop a system for gathering and analyzing data so that all stakeholders, including young people, can measure progress in fulfilling children's rights. Annual public reports would help to assess whether public funds and community efforts are achieving results.

2. Consistent framework for policies that affect children

The review showed that policies for children across Canada are piecemeal and inconsistent. Good initiatives for one part of children's lives are undermined by lack of attention to others. Many children do well; but too many fall through the cracks of fragmented support systems. Canada, with an aging population, cannot afford to treat policies for children as less important than policies for natural resources.

Government leaders say children are a priority and officially support the Convention, which provides a coherent framework, but it is ignored in practice. Canada needs:

“a comprehensive legal framework which incorporates the provisions of the Convention . . . and provides clear guidelines for their consistent application.”

(Concluding Observations, paragraph 13)

CCRC recommends that parliament make the Convention part of Canadian law with a ten-year strategy to amend existing laws and policies so they comply with it.

3. National Strategy to Prevent All Forms of Violence Against Children

High rates of violence against children continue in Canada without improvement over the last decade. In fact, children experience more violence than do adults in Canada.

Piece-meal initiatives have limited impact. Five million dollars was recently allocated to prevent hockey violence after concussions made headlines. Bullying receives attention whenever there is another suicide. Millions are spent on policing internet sexual

exploitation, but little is spent on prevention. Meanwhile, the Office for the Prevention of Family Violence has been shut down, even though the facts show that family violence remains the greatest threat for children and interventions are often too late to prevent long-term harm.

A national strategy is needed to maximize the impact of current smaller and local prevention programs and to target resources to the most effective measures and needs, based on well-documented evidence. Within a national strategy, special attention is needed to prevent violence and abuse of Aboriginal girls.

“...develop and implement a national strategy to prevent all forms of violence against children, ...allocate resources, ... and ensure there is a monitoring mechanism.” (Concluding Observations, paragraphs 47, 52, and other references)

4. Take Immediate Action on Specific Policy Changes

The review confirmed many policy proposals that have been made before in Canada. If our governments are as committed to children’s rights as they claimed to be during the hearing before the UN Committee, the following items will be completed or in-progress within a year:

- **Monitor and regulate the use of psychotropic drugs and psycho-stimulants on children to prevent overuse.**
- **Ensure equal access to health care and education for all children in care.**
- **Ensure that all child victims of violence have immediate means of redress and protection, including restraining orders.**
- **Establish guidelines for the use of force on young people by all law enforcement officials, including the use of tasers.**
- **Thoroughly investigate all cases of missing girls.**
- **Enforce the legal prohibition against polygamy.**
- **Protect all children from underage forced marriage.**
- **Apply the best interests of the child principle in all cases where children are involved in immigration and refugee proceedings and consistently use international guidelines for determining the best interests of the child at all stages of the proceedings.**
- **Limit the use of detention for asylum-seeking children to exceptional circumstances and only when it is in the best interests of the child, for a short time, subject to judicial review.**
- **Abolish the use of user fees in compulsory education.**
- **Ensure disabled children are not forced into segregated schooling.**
- **Amend laws to ensure that information about the place and date of birth of adopted children and information about their biological parents are preserved.**
- **Restore names that have been illegally removed from children’s birth certificates.**
- **Establish annual targets to reduce child poverty.**

- **Develop and implement a rehabilitation program for Omar Khadr.**
- **Ensure adequate protection from hazardous and unsafe working conditions for all young people under age 18.**
- **Amend the Citizenship Act to grant Canadian citizenship to children born to Canadian parents abroad.**

5. National Advocate for Children

Gaps in protection and support for children were a dominant theme in the review. Children in Canada need a National Advocate to ensure that all federal policies consider impact for children and help to close gaps by working with provincial advocates. Other countries have found that such offices are effective.

“ Establish a federal Children’s Ombudsman . . . to ensure comprehensive and systematic monitoring of all children’s rights at the federal level.”

(Concluding Observations, paragraph 23)

CCRC supports Bill C-420 to establish a National Children’s Commissioner.

6. Equitable Treatment for Indigenous Children and other Minority Groups

The third review and the second review and the first review identified evidence of inequitable access to services for particular groups of children in Canada. Closing the growing gaps for vulnerable groups of children needs specific focus.

“Address disparities in access to services by all children facing situations of vulnerability, including ethnic minorities, children with disabilities, immigrants and others.” (Concluding Observation, paragraph 33)

“ . . . take immediate steps to ensure that Aboriginal children have full access to all services and receive resources without discrimination.”

(Concluding Observations, paragraph 33)

CCRC recommends that equitable treatment for all children be named as a top national priority, with transparent analysis of evidence that suggests discrimination and regular, annual reporting on progress made in legislation, program funding, and outcomes for children.

7. Best Interests of the Child and Views of the Child in All Decisions

Implementing the following recommendations would go a long way to prevent so many children falling through the cracks:

“ . . . ensure that the principle of the best interests of the child is appropriately integrated and consistently applied in all legislative, administrative, and

judicial proceedings as well as in all policies, programs, and projects relevant to and with an impact on children.” (Concluding Observations, paragraph 35)

“...promote the meaningful and empowered participation of all children within the family, community, and schools and develop and share good practices.”

“...views of the child be a requirement for all official decision-making processes, including custody cases, child welfare decisions, criminal justice, immigration, and the environment.”

...ensure that children have the possibility to voice their complaints if their right to be heard is violated in judicial and administrative proceedings and that children have access to an appeals procedure.” (Concluding Observations, paragraph 37)

8. Inform Children about Their Rights and Train Adults who Work with Them

The review highlighted again that most young people in Canada have not been taught how to exercise their rights and their responsibility to respect the rights of others. Yet evidence shows that effective rights education can improve school achievement, reduce bullying, make schools safer, and develop skills for living. During the review governments highlighted a few small good programs, some of which have been defunded. Deflection of responsibility to provinces is not an acceptable excuse for the lack of public education about children’s rights. There are good practices in Canada that should be scaled up and implemented in all jurisdictions.

“Take more active measures to systematically disseminate and promote the Convention.” (Concluding Observations, paragraph 25)

While governments have a primary responsibility to teach children about their rights, this is an area for mobilization of young people, agencies that serve children, civil society groups, and independent donors as well.

9. Access to affordable, quality childcare

\$100 per month per child was not adequate to help families purchase quality childcare in 2006, when it was introduced; it is even less so now. This policy is still held up as the primary solution to the childcare challenge for young families. Childcare in Quebec was held up as a good practice before the UN Committee, but in Canada it remains the exception rather than common practice.

The review highlighted the need for developmental care for children under age 3, as well as affordability, training requirements for childcare workers, and equitable policies that help to close the gap for children in less wealthy households.

“improve the quality and coverage of its early childhood care and education by ...increasing the availability of early childhood care and education for all children.” (Concluding Observations, paragraph 72)

10. Make the youth criminal justice system consistent with the Convention

The review concluded that recent changes to the youth criminal justice system do not comply with Canada’s obligations under the Convention. Increased use of detention, publication of the names of young people, and less use of restorative justice measures violate specific provisions in the Convention. While Justice Canada says an assessment was done to show compliance with the Convention, no document could be produced to respond to an access-to-information request.

“bring the juvenile justice system fully in line with the Convention.”
(Concluding Observations, paragraph 86)

The CCRC recommends that a full, transparent child rights impact assessment be done of the provisions in Bill C-10 and amendments be made to comply with the Convention and accepted good practices in youth corrections.

Conclusion

Canada cannot afford to ignore the issues raised in this review. Our children deserve better governance at all levels. We know what needs to be done. Working together, we can make progress, starting with the following steps:

1. Collect accurate data, analyze it, and publicly report on the situation of children.
2. Create a consistent framework for policies that affect children.
3. Implement a national strategy to prevent all forms of violence against children.
4. Take immediate action on specific policy changes identified in the review.
5. Establish a national ombudsperson for children.
6. Ensure equitable treatment for Indigenous children and other minority groups.
7. Consider the best interests of the child and views of the child in all decisions.
8. Inform children about their rights and train the adults who work with them.
9. Provide access to affordable, quality childcare.
10. Make the youth criminal justice system consistent with the Convention.