

Children's Rights: An Asset for Federal – Provincial Relations in the 21st Century

Introduction

2016 is the 25th Anniversary of Canada's ratification of the Convention on the Rights of the Child. Implementation follows ratification to achieve progressive realization of children's rights. Implementation of the Convention across Canada remains the major challenge. Major gaps in implementation were evident during the Third-Fourth Review of Canada by the UN Committee on the Rights of the Child in 2012. Many basic recommendations for Canada, repeated from the first and second reviews, show systemic gaps and limited progress over 25 years.

These reviews also show the limitations of monitoring and reporting as a mechanism for improvement. Other mechanisms are needed to encourage implementation between the five-year international reviews.

A significant challenge for effective implementation in Canada is the need for federal-provincial cooperation in most policy areas. For years Canada's federal system was named as a reason for lack of progress. However, Canada's Constitution is not an obstacle to cooperation in other areas. Other federal states have made significant progress in 25 years, and all states have some level of shared responsibilities. After this was pointed out, there was a shift in the last review toward highlighting progress in one province, but without accountability for all provinces.

Canada's children deserve better than this. More importantly, rather than federalism being a barrier for children's rights, the Canadian Coalition for the Rights of Children is convinced that children's rights could be an asset to improve cooperation between all levels of government. Why and How?

Features of Children's Rights that could Strengthen Federalism

Child-centered: Children are at the center of policy discussion rather than either federal or provincial governments, shifting focus away from unproductive "blame the other" jurisdictional disputes or territoriality.

Outcome-oriented: Children's rights focus on outcomes for children more than program deliverables. Voters are most interested in impact for children from tax dollars invested by any level of government. There can be flexibility and difference in programs, in response to regional differences, within a common commitment to progress for all children under the Convention.

Coherence: The Convention, a comprehensive, integrated framework, can help to co-ordinate policies that affect children and prevent children falling through the cracks of different ministries at all levels. It is a tool for policy coherence, ensuring that progress in one policy, e.g. the Canada Child Benefit, is not undermined by changes or insufficient attention to other programs.

Data-Sharing and Analysis: Data ultimately belongs to the children as the rights-bearers and should be transparent and publicly assessable rather than held back by any government as exclusive property of one ministry for political purposes. Major data gaps in Canada's report are routinely blamed on unwillingness of provinces to submit data to the federal government. Rights-based, public and transparent systems would be able to hold every government accountable for failure to produce data. Data should be available early in the process as a common basis for discussing progress rather than being used as a weapon in a confrontational process that can be manipulated for political purposes more than for the benefit of children.

Public Accountability: Targets based on the concept of progressive realization can provide useful measures for short and long-term progress. Regular public reporting on progress and mechanisms for children to claim their rights increase accountability for commitments made to children in the Convention.

CRIA as early bridge-builder: Child Rights Impact Assessment, a tool to implement the Convention, can be used by all levels of government for an early and impartial assessment of potential impact of policy options that affect children. It fosters cross-government cooperation to address identified issues. Use elsewhere confirms that this can save money and improve policy responses to emerging issues.

Questions for Discussion:

1. Data-sharing and Analysis: Better data on children in Canada is a common goal; what mechanisms could be established to move ahead on this? What would be the benefits of better data in your area of work related to children's rights?
2. Coherence: In your field of work with children, have you identified lack of coherence between departments and levels of government? How might using the Convention as a basis for policy-making at all levels contribute to greater coherence and benefit children?
3. Outcomes: In your field of work with children, how could a Convention-based focus on the status of children and the outcomes of public policies add value to the more prevalent use of program deliverables?
4. Public Accountability: How could regular reporting on progress be done in a way that would advance progress in your field of work? Do children have access to effective mechanisms to claim their rights?
5. CRIA: Do you think the use of CRIA would be of benefit in your area of work? Do you think it could be feasible? (See factsheet on CRIA for summary of what it is)