



Gaps in Child Welfare and Children's Rights

Our current child welfare system does not work for many children. Paying attention to the rights of children would improve outcomes.

The recent report on the Tina Fontaine case, prepared by the Manitoba Advocate for Children and Youth, joins a long list of reports that recommend major reform. Major reforms were also recommended in the last review of children's rights in Canada. At the federal level, Bill C-92 proposes major changes in the federal system of indigenous child welfare. At the same time, reform is needed at the provincial level to achieve better outcomes for both Indigenous and non-Indigenous children and to protect the rights of all children involved in child welfare.

The Canadian Coalition for the Rights of Children (CCRC) is calling for reforms to comply with basic principles in the *United Nations Convention on the Rights of the Child* (UNCRC). For a more detailed analysis of how children's rights could improve provincial child welfare systems across Canada, see: "[The System Needs Fixing: Children's Rights and Provincial Child Welfare Systems.](#)"



Presenters and survey respondents generally agreed that the existing [child welfare] legislation, standards and regulations **need to be fundamentally reformed**, to develop a system that better supports and provides greater control and influence to families and communities.

- Manitoba, Legislative Review Committee,
"Transforming Child Welfare Legislation in Manitoba,
Opportunities to improve outcomes for child and
youth" (2018)

Published by the Canadian Coalition for the Rights of Children

Identified Area of Action #1

Ensure that the “best interests of the child” (BIC) are assessed properly and used as the primary consideration in all decisions relating to the child



BIC is a foundational principle in children’s rights. The BIC should be assessed in a timely fashion by a competent, multidisciplinary team of professionals, and this information should be “the primary consideration” in all decisions relating to the child.

Identified Area of Action #2

Listen to the child’s voice

Children are not objects to be acted upon. Their viewpoints regarding their own care and placements need to be considered in the decision-making process, in appropriate ways for their age and maturity. Furthermore, child-friendly channels must be available for children to report neglect and abuse.



Identified Area of Action #3

Increase support for parents and separate children from parents only as a last resort

Too many children are being removed from their homes, despite the obligation to use removal as the last resort under the UNCRC. We need to implement the state’s duty to provide support for parents of vulnerable children, address discrimination, and ensure equitable access to services for all families. Bill C-92 addresses these issues for First Nations, Métis, and Inuit children under federal jurisdiction. This consideration should be extended equally to all children in provincial child welfare systems.

Canadian Coalition for the Rights of Children

Share this with others and add your voice to support children’s rights across Canada.

For more information, check the CCRC website at www.rightsofchildren.ca.

To discuss this further, send a message to info@rightsofchildren.ca.