

## Time to put our children's rights shoes on

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Thirty years. Two generations. The Convention on the Rights of the Child should be a well-worn and well-integrated part of childhood in Canada, like a comfortable and still fashionable old pair of shoes. It came into force globally in 1989, and today, the first generation who grew up with their universal human rights affirmed is having children. After three decades, this human rights treaty for children remains remarkably well-preserved: because of the scant use it gets, and because it remains a relevant and durable framework for childhood.

The Convention's principles are as powerful a compass as ever to help us see the child and guide the decisions of governments and the treatment of children by those around them. The provisions of the Convention are enduring standards that should be fulfilled for every child and remain a useful framework for balancing their needs and interests and arriving at the right decisions.

The Convention has been put to some good use in Canada over the past thirty years. Governments have begun to govern differently, advancing independent advocates for children in most provinces and territories, adopting Child Rights Impact Assessment in New Brunswick and Saskatchewan and establishing Child Friendly Cities (*Municipalités amies des enfants*) across Quebec. They have passed better laws embedding the rights of children, such as recent reforms to the *Divorce Act* that place children's best interests at the centre of decisions in the context of divorce and give kids the right to a say in some of those decisions. More than a quarter of Canada's children are affected by these kinds of decisions. For smaller groups of children vulnerable to exploitation or discrimination, courts have considered the Convention to support judgments that advance recognition of all children as rights-holders, such as *Canada (Prime Minister) v. Khadr*, 2010, affirming that when we treat exploited children as adult soldiers it is wrong. The Canadian Human Rights Tribunal continues to challenge governments to provide equitable public services for First Nations children.

But the sum of this progress isn't even close to the bar set by the Convention, across this wealthy country. Working for UNICEF, I have a global vantage point on the Convention on the Rights of the Child. I can see where it is getting a good workout. Countries including Finland, Norway and Wales embed the Convention in their governments at all levels, making regular use of children's rights. They use Child Rights Impact Assessments in decision-making; they have well-developed youth consultation mechanisms; they gather and make public use of data for children; they publish what they spend on children in their budgets; they have more independent advocacy for children – and they get better results for children. It is no coincidence that Canada has fallen to the middle among our wealthy peers in UNICEF's rankings of overall child well-being. It's not entirely clear if these countries do more with the Convention because they are naturally child-centred or if the Convention has helped them become more child-centred, but it probably works both ways.

What is holding Canada back from making more widespread and consistent use of the Convention on the Rights of the Child? I think there are two key barriers that help explain why Canada keeps the Convention in the closet, relatively speaking:

*Lack of awareness:*

Somehow, we forgot to tell Canada's parliaments, legislatures and government officials that they share the duty – the obligation – to respect, protect and fulfil children's human rights. Without widespread recognition and tools like Child Rights Impact Assessment and "children's budgets" to help them use the Convention in their decisions, children's interests often fall to the bottom of a long list of priorities and, in some places, children have risen to the top of the list for budget cuts.

*Reconcilable differences:*

There are at least two abiding polarities in the way Canadians think about children that get in the way of respecting their rights, advancing their well-being and using the Convention to create better childhoods.

First, many adults seem to have a particularly jaundiced view of the youngest citizens. Arguably, children and youth are less involved and listened to than in some societies where children's participation is normalized at home, at school and in public life. The arbitrary nature of minimum ages in legislation – for criminal justice, working, marriage and voting - is one example of how we fail to reconcile divergent views of the capacities of young people.

Second, Canada's dominant political paradigm shifts more of the cost and provision of services that children need to their families and to the private marketplace than in many countries that take a more collective approach to raising children. Canada's governments spend considerably less than our wealthy peers on children's services and income supports for families with children, despite advancements. As a result, more children live in poverty and food insecurity and they are less able to participate in the services that are powerful equalizers such as early child education and care. Instead, the price is paid later, in health care, criminal justice and lost productivity.

The Convention embodies two core values that could break through these barriers if they were more widely shared: (1) children are not responsible for the circumstances into which they are born and equality in childhood is not something to earn but a right for all children, and (2) children are worthy of respect even as their capacities evolve and fairness even when they make mistakes.

Children need the Convention today as much as they ever did. There are six rising challenges that the Convention remains powerful and relevant to address if we care to use it:

*Income inequality:*

Income inequality is among the most powerful shapers of child and youth well-being, having risen sharply in Canada over the past 15 years. Canada's level of income inequality is now average among wealthy countries, and it is no coincidence that our overall level of child and youth well-being on the UNICEF Index is also stuck in the middle of our peers. Income inequality is affecting almost every aspect of children's lives: in the Canadian Index of Child and Youth Well-being, we see how it places strain on children's relationships in their families, at school and among peers, with high levels of bullying and other forms of violence. It fuels a general anxiety that leads us to place pressure and restrictions on children's mental and bodily freedoms not seen in recent generations that erodes their mental and physical health. Policies to curb the corrosive effects of income inequality and help cultivate a more collective

commitment to children are called for in children's right to an adequate standard of living and the guiding principles of the Convention.

*Equity for every child:*

Canadians aren't on the same page when it comes to our knowledge and beliefs about the funding inequities that sustain the inequitable provision of public services for Indigenous children. Fixing this requires honouring the human and legal rights that every child has in common, regardless of their ethnicity, disability, country of origin or gender. The costs to do so will be less than sustaining the discrimination and exclusion of this growing population. Ultimately, ensuring the rights of all children falls on the moral and just points of a compass, it is not divined by a balance sheet.

*Climate crisis:*

Clean water, nutrition, an adequate standard of living, protection, education and family relations – almost every child's right can be threatened by climate change, environmental degradation and related episodic disasters. Putting children at the centre of policies and other decisions, including in the private sector, would strengthen responses to climate change.

*Urbanization:*

The children of today are the first generation in Canada to live predominantly in cities. Urbanization brings with it many benefits for children, but also challenges to their healthy relationships and sense of belonging, their health and their right to play. Local governments can work against the challenges and maximize the benefits of urbanization for children in all aspects of decision-making. UNICEF's Child Friendly Cities is a framework to help communities use the Convention to include children and make them a priority.

*Digitization:*

Children are building their lives in an integrated "outernet" and "Internet". They still go to the library, to the movies and to school, they play and they encounter risks, but they do it all both online and offline. The Convention was born long before Instagram and x-box. Our challenge is to ensure that those who govern online spaces and experiences take up their responsibilities to ensure children's rights and that children are well-equipped to exercise their rights online.

*Changing demographic balance:*

Canada's child population continues to grow, but it has been eclipsed by the senior population. This raises more risk that children will continue to be the "silenced citizens", which a landmark Senate of Canada report called them recognizing their relative lack of influence on government, without a vote and with less call on government budgets than older generations. But if the proliferation of walk-outs, street marches and protest campaigns is a strong signal, after thirty years, the kids of Canada aren't waiting for adults to fulfil their rights. They are taking over their future.

For the 30<sup>th</sup> birthday of the Convention on the Rights of the Child, the Government of Canada signed a global Pledge to stand with children and affirm their human rights. Let's walk with the children and youth of Canada. But it's *our* responsibility to take children's rights out of the shoe closet, and put them to work for the kids of Canada.