

**“The Convention is for all people”: Reflections on the 30th Anniversary
of the Convention on the Rights of the Child**

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Adults have power over children. Children aren't as respected.

Maxine, John and Stones (all self-chosen pseudonyms), all 12 years old,
cited in Collins (2013), p. 591

Little did I know about the impact the United Nations (UN) Convention on the Rights of the Child (CRC) (1989) would have upon my life's trajectory when I first learned about it. The CRC has been around now for 30 years so I never learned about it as a child. It was only after the completion of my Masters degree in late June 1996 when I prepared for the interview and then job with the Canadian Coalition for the Rights of Children (CCRC) that I first learned about the CRC. The match was lit and then it became a fire within me.

After 23 years of working with the CRC, I suggest that the thirtieth anniversary is not a time of celebration. Instead it should be marked by reflection and action, not complacency and stasis. Consider such examples as: the extremely limited attention to children and youth in the recent federal election; or the federal government's judicial appeal of the order to compensate First Nations children and their families for unequal child welfare funding after the Canadian Human Rights Tribunal has issued its eighth (!!) non-compliance order (Stefanovich, 2019; see further <https://fncaringsociety.com/welcome>). Moreover, our society continues to be concerned about controlling children whether it is with physical restraints in institutions, corporal punishment in the home, or psychotropic drugs in the school classrooms. Quite simply, there are too many things that need to be done. As Eekelaar (1992) identifies, “The Convention is for all people” (p. 234), and our attention to children and youth and our supports need to be guided by child rights. As such, some thoughts about the CRC and next steps are offered in this short reflection.

1. What are rights?

It is important to have a clear starting point about what rights are. As defined in most dictionaries, they are just or due claims that human beings have by virtue of being human. As Galtung (1994) explains, rights define the "rock bottom of human existence" (p. 2). One could interpret this description in a negative, reductionist fashion but this description should be considered positively as foundation that facilitates human life. Amartya Sen's capabilities approach also illuminates how we should understand rights (see further for example <https://www.iep.utm.edu/sen-cap/>).

Why are there such claims or entitlements?

Just as the Universal Declaration of Human Rights (UN General Assembly, 1948) established, international human rights instruments including the CRC acknowledge

the following maxim. Human rights affirm "the inherent dignity and...the equal and inalienable rights of all members of the human family", which provide "the foundation of freedom, justice and peace in the world" (CRC preamb. para. 1). Particularly powerful are the words of 12 year-olds Maxine, John and Stones (all self-chosen pseudonyms) at the beginning of this short piece who describe their outstanding rationale of children's rights.

Polish author and pediatrician Janusz Korczak has much to teach all of us about the essential right of children to respect, which demands full appreciation and support of all three Ps of CRC rights: participation, protection and provision (Eichsteller, 2009). All adults must recognize the essential challenge that this poses to our thinking about, efforts with, and for young people given the pervasive cultural norms that disrespect children. For example, the child's right to participate demands much more since the UN Committee on the Rights of the Child (2009) outlines that participation involves:

...ongoing processes, which include information-sharing and dialogue between children and adults based on mutual respect, and in which children can learn how their views and those of adults are taken into account and shape the outcome of such processes" (p. 5).

Yet in many schools, other institutions, and in the private sphere, many children are silenced rather than encouraged to share their views, knowledge, and feedback about matters that concern them. Even fewer see how their inputs impact processes to which they have been asked to contribute. There is much work to be done.

2. Contributions

Over the past thirty years, the CRC has developed understanding and affirmation of children's rights, advanced respect of children, and supported the development of a rights-based approach to efforts concerning and with young people. It has developed a global network of young people and advocates all committed to children, youth and advancing their rights. Children's rights motivate the incredible dedication and efforts by such inspiring leaders in Canada as Cindy Blackstock, Hon. Landon Pearson, Irwin Elman, Kathy Vandergrift, Cheryl Perera, and Lisa Wolff. Youth leaders are also plentiful beyond the international example of Greta Thunberg. In Canada, there is 15 year-old Autumn Peltier from Wiikwemkoong First Nation on Manitoulin Island in northern Ontario and many others including the 15 young people who are challenging the Canadian government on lack of climate change progress. (See <https://www.theglobeandmail.com/canada/article-indigenous-teen-autumn-peltier-urges-un-to-respect-clean-water/> and <https://www.cbc.ca/news/canada/british-columbia/canadian-teens-lawsuit-federal-government-over-climate-change-1.5335349> respectively.) Shannen Koostachin's memory lives on in the hearts and minds of many across the country (<https://fncaringsociety.com/honouring-shannen-koostachin>) I am grateful for these wonderful human beings and others for their efforts and dedication. We should be inspired by them to work with others and act for children's rights.

3. Constraints

While Canada has many strong elements including a functioning democracy, resources, and a general human rights framework, we cannot be complacent that we have the necessary elements, processes and mechanisms to facilitate children's rights implementation. Governments at federal, provincial and municipal levels must understand their obligations as duty-bearers to respect, protect, and fulfil children's rights. New Brunswick's leadership with child rights impact assessments in relation to legislation should inspire other jurisdictions. Moreover, while the CRC is part of international human rights law, it is not the preserve of law and lawyers alone. But there continues to be a tendency to rely on lawyers to interpret and advance child rights despite the broad societal significance for political, social, economic, and inter-personal spheres in society (e.g. Collins, 2013). Consequently, we are "Not there yet" as one publication identifies (UNICEF Innocenti Research Centre & UNICEF-Canada, 2009).

Lack of child rights understanding is a significant problem that is inadequately appreciated by advocates, human service professionals, and the general public. In accordance with CRC article 42, young people need to know their rights and adults need to learn more about them so that they are not fearful or dismiss them out of hand. Children from rural Eastern Cape in South Africa with whom I spoke this past June were surprised when I said that Canada can learn from South Africa. Not only do South African young people know about their own rights unlike Canadian children and adults, the country illustrates such commitment and has mechanisms to support children's rights that Canada should emulate. While there are challenges of capacity, South Africa is a leader in terms of making explicit efforts to children's rights including the recent decision to prohibit corporal punishment (e.g. see <https://endcorporalpunishment.org/south-africa-prohibits-all-corporal-punishment/>)

Child rights education needs to advance much more than it has. I am personally grateful to Profs. Katherine Covell and Brian Howe for their inspiring leadership and efforts both in Hampshire, England and Nova Scotia (http://www.cbucommons.ca/science/psychology/index.php?/children/journal_list). There is some encouraging work through Shaking the Movers across the country in both English and French languages as well as including the involvement of young children and young people with disabilities. (See further <https://carleton.ca/landonpearsoncentre/shaking-the-movers/>) The effective training work of Equitas: International Centre for Human Rights Education (where I have served as a board member and continue as a programs committee member; <https://equitas.org/our-impact/children-youth-participation/>) is so exciting and effective in engaging scores of young people across the country where they are including afterschool programs and on First Nations reserves. Nonetheless, much greater child rights education work is needed across the country. (See further pertinent discussion in Collins, 2019).

While there are many research and advocacy efforts dedicated to children, they do not consistently consider children's rights and actors cannot simply focus on

government's formal role. There is a great gap of efforts and activities, which must think meaningfully to children's rights as examples, the business community and the missed opportunity on climate advocacy, which hasn't yet been connected to children's rights. Efforts may consider young people but not necessarily children's rights so they are more likely to reflect the understanding that children are victims or that they need our charity, thereby disempowering them or reducing them to stereotypes. We should consider the words of a Peruvian young person who outlined:

Do not take advantage of us, we ask you to be responsible, do not support us because you feel pity for us, instead, support us because we deserve it... We do not want gifts, we want you to be responsible (cited in UNICEF, Save and Global Compact, 2012, p. 12)

We must also resist the temptation of focusing on one or a limited number of rights in isolation from others. We must remember and reflect the essential characteristics of rights in our work and how they are universal, indivisible, interdependent and interrelated.

One significant challenge is the discrimination that young people face in this country and elsewhere. Importantly, we cannot blame young people of colour for any difficulties that they may have, which reflect the system of denial as Ryan (1971, 1976) first outlined. We must recognize systemic issues that adversely affect young people of colour including when they enter primary school as Clarke (2018) describes, and beyond. As examples, the longstanding historical mistreatment of First Nations young people or young people with disabilities continues (see further Rae, 2006; Sobsey, 2007; Truth and Reconciliation Commission, 2015).

As young people of colour have described to me in conversations, there are so many ways that others make them feel different, out-of-place, and to be feared. They describe a wide range of discriminatory actions including how others: stare at them; cross the road or move to the back of the bus to get away; or utilize violence or such micro aggressions as asking "where are you from?" and when the answer isn't deemed satisfactory for the questioner, the follow up is "where are you really from?" (See for example <https://www.buzzfeed.com/hnigatu/racial-microaggressions-you-hear-on-a-daily-basis>) Another example concerns a former student once shared how his high school teacher told him he wouldn't go to university and that he shouldn't attempt academic credits in high school. Thankfully this young person didn't listen. Not only is he an important community and Child and Youth Care professional, he is now enjoying his PhD program. "Guidance" and advice may reflect bias and place barriers, rather than help. As Zoya Patel (2018) explains, fear and unconscious humiliation can inspire racist words and actions.

When discriminatory incidents occur, how do we respond? We must remember that people need to be supported as Patel (2018) describes rather than have any specific perception or incident dismissed as an "over-reaction". It isn't just a question of

education but also challenging problematic classifications of individual and groups of children in both personal and professional discourses and recognizing challenges that families face. To be clear, it is not the job of these individual young people to educate teachers, principals, police officers, the media or the general public. Child rights demand attention to all children and youth and more efforts to counter the pervasive discrimination in society.

During this period of economic and social change, we see more and more people are calling for progress, including young people leading with necessary responses with climate change. The excellent First Nations Child and Family Caring Society provides guidance to support some necessary next steps. (See <https://fncaringsociety.com/>) Even greater calls for action are needed as we need to do better with, and for young people as a society.

4. Conclusion: What difference do children's rights make?

In summary, the CRC has made important contributions both in Canada and internationally as well as in informing how children and youth should be respected within society generally. I learned that children's rights inspire questions, processes, and responses. The irony of dedicating my life to the CRC and children's rights that I only learned about as an adult is lost upon me. This framework drives me in my teaching, research and advocacy efforts because: "Rights are important because they recognize the respect their bearers are entitled to. To accord rights is to respect dignity: to deny rights is to cast doubt on humanity and on integrity" (Freeman, 2007, p. 7).

The CCRC plays an important role in the country as the only network dedicated to the promotion and monitoring of children's rights. Under her leadership, Kathy Vandergrift has dedicated immeasurable time, her extraordinary intelligence and expertise to support the organization and advocacy and society has benefitted from her tireless efforts. Thank you Kathy.

But more is needed because we should expect more of each other in the child rights community and beyond and work better together including with young people to respond to the call for child rights progress in society. Children's rights demand continual action, not complacency or mere celebration. While the CCRC relies on many partners, more needs to be done to advance children's rights in our relationships with young people as well as within local, provincial, regional and national spheres as well as internationally.

We need creative responses to 21st century challenges. Social innovation and child rights offer direction and guidance. As such, the challenges that our child welfare system is experiencing for example in the province of Ontario should not focus on the system, but the young people within it as the Residential Services Review Panel (2016) recommends. We can advance social innovation through learning from each other and collaborating with others especially young people. After all, a young

person consulted in Paraguay outlined that we should: "...better understand human rights and the implications their actions have over people's lives." (cited in UNICEF, Global Compact and Save the Children, 2012, p. 8).

In conclusion, the CRC is a powerful tool to support progress not only for or with children and youth. As John Eekelaar (1992) explained in the early days of the CRC:

It would be a grievous mistake to see the Convention applying to childhood alone. Childhood is not an end in itself, but part of the process of forming the adults of the next generation. The Convention is for all people. It could influence their entire lives. (p. 234)

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