



CRC 2003 Review: Background Note 1 on the CRC and Discrimination¹

Rights of Children: Non-discrimination in 2003 Review

“States Parties shall respect and ensure the rights set forth in the present Convention to each child without discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.”

(Convention on the Rights of the Child, Article 2.)

As a result of its second report and review by the UN Committee on the Rights of the Child, Canada received six recommendations for action to ensure equitable treatment for all children in Canada. The Canadian Coalition for the Rights of Children (CCRC) strongly supports the call for stronger mechanisms to prevent discrimination.

A core Canadian value

All children in Canada should receive equitable treatment, regardless of residence, race, ability, religion, or family status; that is an ingrained Canadian value. Non-discrimination is also a core principle of the Canadian Charter of Rights and Freedoms.

In its review, the UN Committee on the Rights of the Child asked Canada **“to fully integrate the right to non-discrimination in all legislation concerning children”** and ensure that it is **“effectively applied in all decisions, programs, and services.”** The Committee suggested that Canada pay particular attention to children with disabilities, Aboriginal children, and children belonging to minority or vulnerable groups.

Many different government bodies affect the lives of children in Canada. The reality is that children’s issues often fall through the cracks between federal/provincial/municipal agreements and disagreements. The review asked Canada to **“strengthen effective coordination and monitoring, in particular between the federal, provincial, and territorial authorities, with a view to decreasing and eliminating any possibility of disparity or discrimination in implementation of the Convention.”**

¹ This is the first in a series of background notes on the 2003 Review of Canada’s Second Report under the Convention on the Rights of the Child. It accompanies an overview of the recommendations, entitled “Canada and the CRC: 2003 Review Report,” prepared by the Canadian Coalition for the Rights of Children.

Tools for preventing discrimination

It is the responsibility of the federal government to provide leadership in protecting children from intentional or unintentional discrimination, but little has been done since the Committee's 2003 recommendations.

Before the next report is due to the Committee in 2009, the CCRC proposes that the federal Justice Department take the lead in establishing appropriate mechanisms to address discrimination. Tools for preventing discrimination include:

1. Regular, public reporting on the situation of children across Canada, especially those vulnerable to discrimination.
2. A clear law and a practical way to investigate evidence of discrimination brought forward by groups of children, with reporting to all relevant governments on ways to end discrimination.
3. A national Children's Commissioner with a mandate to monitor and report to Parliament on issues relating to discrimination against children.

Specific areas for attention to prevent discrimination

- Canada was asked to evaluate how the National Child Benefit System is implemented across Canada *"to further eliminate any negative or discriminatory effects it may have on certain groups of children."*
- In child care, Canada was asked *"to undertake a comparative analysis at the provincial and territorial levels to identify the variations in child care and their impact on children and to devise a coordinated approach to ensure quality child care is available to all children, regardless of their economic or geographic status."*
- In health care, Canada was asked to pay special attention to equal enjoyment of quality health services for *"indigenous children and children in rural and remote regions."* A recent Senate report on the rights of children highlights health services for special needs children as an urgent issue.²
- In education, Canada was asked to pay particular attention to *"children in rural communities, aboriginal children, and refugees or asylum seekers."* Canada was encouraged to ratify the 1960 UNESCO Convention against Discrimination in Education.
- Children with disabilities are among the groups of children who require specific attention to prevent discrimination. Areas highlighted for attention include:
 - More accurate data and analysis of it to provide indicators for improvement (p20);
 - Need for laws that prohibit discrimination in programs for children (p22);
 - Special needs in health care (p.34); and
 - Ensuring they are heard in legal and administrative processes that affect them. (p57).

Three years later, a Senate Committee Interim Report on the Rights of Children stated:

*"Disabled children are a particularly marginalized segment of the Canadian population whose voices are not heard and whose needs are inadequately met by governments across Canada."*³

² "Children: The Silenced Citizens." Effective Implementation of Canada's International Obligations with Respect to the Rights of Children; *Final Report of the Standing Senate Committee on Human Rights*, April, 2007, pp. 154-164.

³ *Who's In Charge Here? Interim Report, Standing Senate Committee on Human Rights*, November, 2005 p. 112.