



## CRC 2003 Review: Background Note 3 on the CRC and Accountability<sup>1</sup>

# Tools for Accountability on Children's Rights

*"States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention."*

(Convention on the Rights of the Child, Article 4.)

Article 44 of the Convention on the Rights of the Child requires governments to submit regular reports on the "measures they have taken" to implement the Convention, and on "progress made on the enjoyment of those rights." These reports are to be made public, distributed widely, and used to improve children's lives.

### Is Canada accountable to its children?

Canada's first and second reports to the UN Committee on the Rights of the Child (reviewed in 1995 and 2003) contain long lists of federal and provincial programs for children. They do not, however, analyze how children are doing, identify where children's rights are not being respected, and what corrective actions will be taken. The reports miss the most crucial part of monitoring—the outcomes of programs for children. In short, Canadians have no effective way of knowing how well the rights of children are being implemented across Canada.

There is reason to be concerned. A recent Senate report on the rights of children concluded:

*"At the ground level, children's rights are being pushed to the side and even violated in a variety of situations. The Convention has been effectively marginalized when it comes to its direct impact on children's lives."* ("Children: The Silenced Citizens," p. ix)<sup>2</sup>

### Recommendations include establishing children's commissioner

In 2003, Canada's federal government was asked to:

- Ensure that the rights of children were being respected in all parts of Canada
- Obtain reliable data on children and use it to evaluate and improve programs

<sup>1</sup> This is the third 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.

<sup>2</sup> "Children: The Silenced Citizens." Effective Implementation of Canada's International Obligations with Respect to the Rights of Children, *Final Report, Standing Senate Committee on Human Rights*, April, 2007, p. ix. See also chapter 17 for discussion of general mechanisms for child rights in Canada.

- Strengthen monitoring (also recommended in the first report in 1995)
- Establish a federal ombudsman's office responsible for children's rights
- Use reports to raise public awareness about children's rights in Canada

In 2009, Canada will report to the UN Committee on the Rights of the Child for the third time. The focus will be on whether Canada has put in place the essential tools to protect the rights of its children. These tools (and others) must be a top priority for implementation in 2008:

- A national children's commissioner
- A means of monitoring and reporting on the status of children
- Legislation that makes children's rights part of Canadian law
- Child-impact assessments of budgets

### **Effective monitoring improves children's lives**

Programs and dollar figures are important, but what matters most is outcomes for children. Effective monitoring could help to make better use of tax dollars, mobilize support for children in need, and ensure that all children are treated equitably.

The Canadian Coalition for the Rights of Children (CCRC) promotes a continuous learning approach to monitoring, rather than one report issued every five years that may never be read. The federal government should take the lead in monitoring to gather independent, comprehensive, up-to-date information about Canada's children; use the information to identify where problems exist; and ensure action is taken by the appropriate authorities.

### **Watchdog for children's rights**

In the last two years, the federal government has established ombudsman offices to ensure that the rights of veterans and taxpayers are respected. Unable to vote in elections, and without a voice in government, children too need someone to ensure that their concerns are considered when decisions are made that affect them. Several parliamentary reports and reports by children's advocacy groups across Canada have proposed establishing a children's commissioner to undertake this important responsibility.

Other countries, including New Zealand, England, Scotland and Sweden, have found such offices effective in promoting respect for the rights of children.

Many provinces have children's advocates. The 2003 UN Committee review suggests that all provinces and territories establish advocate offices and strengthen their mandate and powers.

The CCRC advocates for a children's commissioner for Canada, with a strong mandate to monitor progress on children's rights and bring the voices of young people to the table when decisions are made that affect them.

The CCRC also proposes that this office should contain a complaint mechanism to receive and investigate reports brought forward by young people about situations where their rights are potentially being violated.

### **Child impact assessments of budgets and laws**

As a tool to ensure that children are not being overlooked, some countries review budgets and laws with an eye to determining what impact they will have for children. In Canada impact assessments are used for other objectives; they could be introduced to help achieve progress in implementing the rights of children.