



Canadian Coalition  
for the Rights of Children

Coalition canadienne  
pour les droits des enfants

Newsletter, April 2017

## **Rights Approach to Child Welfare: Ontario's Bill 89**

Bill 89, the *Supporting Children, Youth, and Families Act*, 2016, was introduced last December to modernize Ontario's *Child and Family Services Act* – the governing legislation for all provincial services and programs for children and youth. We congratulate the Ministry of Children and Youth Services and the Government of Ontario for moving to a model that puts children at the centre of decision making and implementation of children's services.

We are pleased to see that the Bill extends services to 16 and 17 year olds in accordance with the definition of a child under the *UN Convention on the Rights of the Child (UNCRC)* and more broadly changes how child welfare law is conceptualized in the province. Language such as "Crown Ward," which objectifies children, is being changed to reflect that all children are individuals, with rights, and the process of "care," under which children who require services may find themselves, does not diminish their rights, nor attribute any particular label to them.

We are particularly pleased that the Preamble incorporates by reference the United Nations *Convention on the Rights of the Child (UNCRC)*. This recognizes the importance of our international and national obligation to respect the rights of children. While we applaud this inclusion in the preamble, we agree with the recommendations of the Ontario Provincial Advocate for Children and Youth, the Ontario Association of Children's Aid Societies, Justice for Children and Youth, and others that the legislation ought to go further to ensure that all parts of the Act are in compliance with the UNCRC. We suggest strengthening the child rights language and putting the reference to compliance with the UNCRC in each part of the act to help ensure that the obligation to act in the best interests of the child would include all articles of the UNCRC.

A number of articles in the UNCRC are specifically relevant to child protection: Article 19 - the right to be protected from all forms of violence; Article 20 - the right to special care if you do not live with your parents; Article 21 – the right to a system of adoption that is in your best interests; Article 27 – the right to support for a child’s best possible development; Article 29 – the right to education for the best possible development of the child. Additionally, the Act could, for example, require child welfare agencies to take all steps to ensure that all children in their care acquire status in accordance with Article 7 of the *UNCRC*. Further, we support the Article 12 right of children to have contact with their families if they wish to do so, even after adoption, unless there is a safety issue. In accordance with Article 18 we hope that the Ontario government will provide resources for assistance to parents through child welfare agencies, to support families and keep them together to the greatest possible degree.

Too often child welfare and protection are viewed through the needs of parents and/or the Children’s Aid Society. We applaud the new rights for children enshrined in Part II of the Act and the enunciation that children stand in the centre of the child protection framework. However, we believe that acting in the best interests of the child requires that the voice of the child is heard, to comply with Article 12 of the *UNCRC*. Children and youth must have a voice in all decisions which affect them in accordance with their capacity.

At the time of this writing, the Standing Committee on Justice Policy is completing its review of Bill 89 and then it will be considered by the full legislature again. Ontario members of the Coalition may wish to express their support for a stronger rights framework through contact with members of the committee or their representative in the legislature.

*Lee Ann Chapman and Mary Birdsell, members of the CCRC board of directors*

### **Children and Citizenship: Bill C-6**

Bill C-6, if adopted by parliament, will amend the Citizenship Act to make it possible for young people under 18 to apply for citizenship apart from their parents, under certain conditions. This will help unaccompanied minors who have come to Canada seeking asylum and other teens who may wish to become Canadian citizens separately from their parents. Bill C-6, currently under review in the Senate, will help to implement Article 7 of the Convention which provides that no child should be stateless.

## **Upcoming Events**

**“Children’s Vulnerability: Understanding and Addressing Health Inequities”** is the theme for the 5<sup>th</sup> Annual Social Paediatrics Symposium, sponsored by La Fondation Julien. May 25,26. Montreal. Reduced registration fee until April 19. Further information: <http://symposium.fondationdrjulien.org/en/>.

**"Children, Minorities, and Identity"** is the theme of the 6th International Summer Course on the Rights of the Child. University of New Brunswick. June 25-30. Further information at <http://www.umoncton.ca/rightsofthechild/>.