

Reflections on Thirty Years of the CRC in Canada

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When the Convention on the Rights of the Child (CRC) was approved by the United Nations in 1989 and ratified by Canada in 1991 we were filled with optimism about the future of children in Canada. As a developmental psychologist and a human rights policy specialist, we were acutely aware of the importance of the Convention's provisions to children's lives. We met like-minded advocates when we joined the Canadian Coalition for the Rights of Children in 1998. Over the next 20 years, we spent our careers teaching children's rights to university students and professional groups, advocating for children's rights at a wide variety of national and international conferences, designing programs of children's rights education, and researching the effects of children's rights-consistent schools in England. Our work with children and with colleagues has been rewarding and we have been privileged to observe a steady increase in the numbers of advocates for children's rights. We are very encouraged by increasing awareness of the CRC and advocacy for its full implementation. But overall we are disappointed with the lack of serious action by successive governments.

It is not that there has been no progress in implementing the rights of children. We have seen a steady increase in child benefits, rates of infant mortality have been reduced, and Quebec has developed perhaps the most progressive system of early childhood education and care in North America. Child pornography laws have been created to protect children from sexual exploitation, and child maltreatment has been defined more broadly to increase the protection of children from abuse and neglect in the home and in institutions. But overall the gap between the promise of the CRC and its implementation means that many children in Canada continue to be raised in toxic environments.

What has become abundantly clear to us is that Canada has an unfortunate tradition of not fully honouring its international human rights obligations. It has become standard practice to proudly ratify international conventions and then, once the party is over, not live up to their terms.

Since ratification of the CRC, rhetoric has been plentiful but action has been sparse. Nowhere is this more evident than in the situation for Indigenous children. Not only do they continue to suffer disproportionately from poverty, health problems, suicide, maltreatment, and sexual exploitation, but those living on northern reserves continue to be deprived of even basics such as clean water. We have been particularly disturbed by the neglect of children and families in Attawapiskat. Promises of mental health workers and a youth centre made by the federal government in response to the 2016 youth suicide crisis have not yet been realized. And the worth of promises of safe and healthy water made during the last federal election are exemplified in the recent state of emergency declared after tests of drinking water revealed dangerous and potentially carcinogenic levels of chemicals. Why are such conditions present in a country that prides itself on its human rights record? As one cynical political analyst explained, those living in communities like Attawapiskat do not vote and the repairs needed to the water system are expensive. This is irrelevant and shameful if true.

There are, of course, many other examples of Canada not living up to its obligations under the CRC.¹ Across the country children do not have the same right to be heard in legal proceedings, the same protection from abuse, or the same access to programs such as early childhood education. Canada also has trailed behind 53 (and counting) countries that have banned corporal punishment, and has done little to develop a more preventive and child-focused approach to child protection. And with the current rise of public support for right-wing populism, children's rights would seem to be under increasing threat. Take a look at Ontario. The Ford government, in complete disregard for the CRC, has made major cuts in funding to education that affect school repairs, class sizes, after-school programs, Indigenous projects, and provision of programs for children with autism spectrum disorder. In addition, the Child Advocate Office has been dismantled and cuts have been made to funding for child care centres and transition child benefits. And among regulations that have been changed are those that reduce protections for clean water and the safety of children in child care centres.

¹ For a full discussion see Covell, Howe, & Blokhuis (2018). *The Challenge of Children's Rights for Canada*. 2nd ed. Waterloo: Wilfrid Laurier University Press.

Nelson Mandela once remarked that the true character of a society is revealed in how it treats its children. We don't look so good at this time. Despite the increased advocacy, there remains a huge gap between the promise of the CRC and the reality of children's lives. However, the determination and work of Canada's child advocates gives us hope that three key changes will take place in the future.

First is the establishment of a national Children's Commissioner to champion the rights of children. Unlike countries such as Norway, Sweden, England, New Zealand, and Australia, we still have no independent national body to advocate for children in the federal jurisdiction – children who are Indigenous, refugee and immigrant children, and children of divorce – and for children in areas of joint federal, provincial, territorial, and Aboriginal responsibility. The Commissioner could perform important roles in raising public awareness and monitoring Canada's implementation of the Convention, conducting systemic investigations of child rights issues, seeking input from children, and collaborating with provincial and territorial child advocacy offices to improve the practice of children's rights across the country.

Second is the incorporation of the CRC into federal, provincial, and territorial law. Were the CRC to be incorporated into law, it would have important legal, educational, and cultural impact. Incorporation obviously would mean the enactment or amendment of laws and policies such that the rights of the child are recognized and put into effect. But it also would have educational and cultural effects. As Laura Lundy and her colleagues demonstrated in their 2013 study of the legal implementation of the CRC where the CRC has been put into law, there is an elevation in the status of children and greater public awareness and support for children's rights. Because the CRC is given explicit statement in law, people become more familiar with it and give it more legitimacy.

Third is establishment of comprehensive children's rights education. Since social change tends to be generational in scope, we believe that children's rights-consistent schools and child rights education at the post-secondary level are critical. As Nelson Mandela said, education is the most powerful weapon you can use to change the world. We have been privileged to witness the remarkable changes in attitude toward children and their rights in the schools in England which

fully implemented the CRC in their teaching and administration. Children, teachers, administrators, parents, and even municipal officials over time became strong advocates for the full implementation of the CRC. After eight years of monitoring the effects of rights-consistent schools in Hampshire County, England, we asked the children to tell us what they thought of being in schools where their rights are respected. One 12 year old boy responded with “It’s hard to say because I have ever known anything else.” We hope that one day that will reflect the experience of all children—in their homes, schools, and communities across the country.