

Child Rights in Quebec: A Time for Action

Alternative Report for the 5th/6th Review of Canada

Under the Convention on the Rights of the Child

NGO Report

Submitted by the Center for Research-Action on Race Relations

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CRARR, founded in 1983, is a Montreal-based independent, non-profit civil rights organization with the mandate to promote racial equality and combat racism in Canada. It is one of the leading non-profit race relations organizations in Canada. As an issue-based organization, CRARR works with all sectors of society that share its values of equality and diversity, especially equality-seeking groups. CRARR is a partner of different stakeholders. It is also part of national networks on child rights, media and diversity, hate crimes and civil rights.

Introduction: Situational analysis

Presently, many adults and children across Quebec are unaware of the UN Convention of the Rights of the Child (CRC). Child rights is not a mandatory part of training for all individuals working with and for children in the public and private services/sectors such as teachers, daycare workers, lunch monitors, principals, bus drivers, police officers, physicians, nurses, social workers, government officials, etc. Moreover, Child Rights Education (CRE) is not a mandatory part of the school curriculum, and any knowledge of rights amongst children is due to sporadic initiatives based on individual and NGO efforts. The lack of binding policies and accessible and monitored systems makes it appear that child rights and CRE are not needed in Quebec perpetuating the general misconception that the CRC is for children in “other” countries.

Inadequate knowledge, action, policies, implementation, and assessment have led to continuous violations of the rights of children within education, law, healthcare, and child welfare to name a few. In this report, we will focus on key issues that were missing from the 5th/6th official report, which require immediate action; for each issue, we will provide evidence followed by recommendations. The list of issues in this report is based on the experience and expertise of the authors; it does not claim to cover all the issues in Quebec related to the rights of children. The key issues are:

- Ensuring that children know their rights and how to exercise them in Quebec;
- Children’s participation rights (including the right of children to be heard)
- Children’s rights to protection (including youth protection)
- The right to freedom of thought, conscience, and religion
- Quality and Equitable Education for all that is based on a child rights approach with Child Rights Education;
- Access to health care for all children;
- Access to justice for all children;
- The protection of rights of children with disabilities.

I. General Measures of Implementation (Arts. 4, 42, 44.6)

I. A. Child Rights Awareness

Issue: The majority of children in Quebec are unaware of their rights as stated in the CRC. This is due to the fact that: 1) the Quebec government has not done enough to raise awareness on the CRC and ensure that it is available and easily accessible for all children and adults in both official languages on government websites, and that everyone who works with children is adequately trained on child rights; and, 2) child rights education is not a mandatory part of the Quebec Education Programme. It should be noted that the Quebec Government adopted in December 1991 Decree 1676-91 whereby it formally commits itself, as a provincial government, to the objectives and commitments of the CRC. By signing and ratifying the Convention, Canada and Quebec agreed to Article 42, which states:

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

Quebec, therefore, has a responsibility to ensure that the Convention is not only known but also taught to children and adults. The 5th/6th report does not address the lack of action on child rights awareness and its relation to lack of child rights education and teacher training in Quebec.

Evidence: Research indicates (Potvin and Benny, 2013; UNICEF Canada & OPACYO, 2013) that while children may have learned about certain aspects of human rights, equality, and democracy at the elementary and secondary levels, particularly through History and Citizenship Education and Ethics and Religious Cultures (which Quebec will be replacing with a new course in the near future with the content yet to be determined/publicised) that are a part of the Quebec Education programme, they have not learned about the CRC and their rights as children (Potvin & Benny, 2013). Since, there is no official curriculum for CRE in Quebec, some NGOs have made their own child rights programmes, trainings, materials and activities that they offer to schools and children. While these are a good start to raise awareness, their reach is limited, and it is difficult to “assess how these school activities work in practice, their impact and the professional competencies of educators (knowledge, skills, etc.) without carrying out field studies and evaluations” (Potvin & Benny, 2013, p. 33). It is also important to note that unless initiatives are supported by all adults in the lives of children and reiterated at school and in their daily lives, they will not be fully understood. It is also not enough that some children get to know some or all their rights and others do not. Every child has the right to know his/her/their rights.

I. A. 1. Recommendations:

- **As Quebec is a duty-bearer under the Convention, it is essential that it develops and publicly releases a plan to teach every child about children’s rights, train teachers and other professionals who work or will be working directly or indirectly with children about children’s rights, and incorporate children’s rights into current and future policies for education in Quebec;**
- **Put in place a monitoring system and evaluation structures to ensure that the plan is being implemented, and to also identify areas that potentially require support, strengthening and/or amending;**
- **Involve children in both the process of creating a plan and in raising awareness on child rights.**

II. General Principles (Arts. 2, 3, 6, 12)

II. A. Participation Rights

Issue: Inadequate recognition of children’s participation rights. Within children’s healthcare, social services, and education, children’s views are commonly unheard or their heard views are commonly discounted. Article 12 of the CRC states that children who are capable of forming their own views should be given due weight in accordance with the age and maturity of the child and children shall be provided the opportunity to be heard in proceedings affecting them (Article 12 has been summarized here). Article 12 rights will be referred to as “participation rights” in this section.

Evidence: Quebec-based research on children’s experiences has highlighted that the concepts of “capable” and “age and maturity” tend to be interpreted by professionals, officials and other service providers in terms that under-value children’s potential participation capacities and interests (Note: this is corroborated by international research evidence and, unfortunately, Quebec is no exception) (Carnevale et al., 2006; Campbell et al., 2011; Bruce, 2014; Carnevale et al., 2015; Montreuil & Carnevale, 2015; Carnevale, 2016; Carnevale et al., 2017; Montreuil et al., 2017; Makansi et al., 2018; Montreuil, Ménard, & Carnevale, 2018; Montreuil, Thibeault, McHarg, & Carnevale, 2018; Noiseux et al., 2018; Caldwell et al., 2019; Montreuil et al., 2019; Clark et al., 2020).

Children’s service-provision practices seem rooted in training programs that draw on outdated stage-based models of child development that misrepresent many children’s views as “immature” and therefore unworthy of (a) being accorded meaningful ethical and legal weight, or (b) being significant sources for the determination of an individual child’s own best interests. Moreover, following the 2015 release of the Truth and Reconciliation Report Calls to Action, there is an urgent need to develop policies and practice standards that ensure the ethical and legal weight of the voices of Indigenous children are recognized in terms of Indigenous worldviews, taking into consideration the 2015 Assembly of the Great Circle of Our First Nations (Quebec-Labrador) Declaration of the Rights of First Nations Children and the 2007 United Nations Declaration on the Rights of Indigenous Peoples (Carnevale et al., 2017; Van Praagh et al. 2018; Kutcher et al., 2019).

II. A. 1. Recommendations:

- **Education programs for all children’s services providers – i.e., entry-to-practice as well as continuing education programs - need to ensure their curricula are based on emerging conceptions of childhood and children that demonstrate they have greater participation capacities and interests than are commonly recognized.**
- **Education programs should also help service providers understand that children’s participation capacities and interests are not static. The strength of their views and their abilities to have their views heard are strongly dependent on their relational context, which can foster or impede their participation capacities and interests.**
- **Practice standards and policies within all sectors of children’s services should be reviewed and updated to ensure children’s participation is maximally promoted (e.g., within healthcare, child welfare, schooling, family law, youth justice).**
- **A structure and process should be developed that will promote the meaningful participation of children in future reviews of children’s rights policies and practices in Quebec.**

III. Civil Rights and Freedoms (Arts. 7, 8, 13, 14, 15, 16, 17, 19, 37[a])

III. A. The right to freedom of thought, conscience and religion

Issue: Bill 21, “An Act respecting the laicity of the State” introduced in 2019 by Mr. Simon Jolin-Barrette, Minister of Immigration, Diversity and Inclusiveness that bans all public workers in what are considered positions of “authority” such as teachers, correctional officers, judges, police

officers and government lawyers or lawyers acting on behalf of the government, from wearing religious symbols (i.e. kippah, turban, hijab and the cross). The banning of public sector employees from freely wearing religious symbols sends the message to children that religion, and visible symbols of religion, are detrimental to their psychosocial, educational and cultural development; for children of religious minorities such as Jews, Muslims, and Sikh, in particular, this law has the effect of stigmatizing and marginalizing them from mainstream life, and denying them full aspirations and employment opportunities in the public sector in Quebec.

Quebec prides itself as being diverse and inclusive and has adopted civil rights laws such as the Quebec Charter of Human Rights and Freedoms and a law to make employment equity mandatory for minorities, women, peoples with disabilities, and Indigenous peoples in the parapublic sector in order to remove barriers of discrimination in employment, but this Bill makes certain positions of public service “authority” exclusive by legislating discrimination against members of religious minorities. This does not reflect the reality of the diverse 21st century society that we live in.

Evidence: There is no direct evidence or extensive quantitative and qualitative research coming from Quebec or Canada that proves that the wearing of religious symbols undermines the separation of Church and State. On the contrary, the lack of diversity has been problematic. The Montreal police recently held a diversity recruitment session to attract more diverse candidates. This comes in light of a Montreal police service (SPVM) annual report that shows that only 7.7% of Montreal police officers belong to any group other than Caucasian. According to an independent report authored by three university professors: Victor Armony of the Université du Québec à Montréal’s sociology department, Mariam Hassaoui of Université TELUQ and Massimiliano Mulone of the Université de Montréal’s school of criminology, racialized people suffer clear systemic discrimination by police officers and are more likely to be arrested.^v

Moreover, there is a shortage of teachers in Quebec. The Centrale des syndicats du Québec (CSQ) that represents 200,000 members including teachers, education professionals and support staff stated at a press conference that the government should be working on addressing the shortage of teachers, poor working conditions and lack of support^{vi}. As a result of the shortage of teachers, some schools have resorted to hiring substitute or contract teachers who might not have the same teacher qualifications^{vii}. This will become even more problematic with the opening of 4-year-old kindergartens. Teachers who are protected under the grandfather clause are also now feeling discrimination and are considering leaving Quebec if the Bill remains as is.

With Bill 21, this teacher shortage will further increase as pre-service teachers (those who are in higher education programs studying/getting their teacher certifications at Quebec universities) who wear religious symbols have either changed their programs or are leaving Quebec and some are leaving Canada entirely. This does not only impact this generation but also future generations witnessing this. These discussions have already spilled into the classroom with children asking teachers to explain the difference between wearing a religious symbol and not wearing one but still having the same beliefs, and why those that show it are being punished by taking away their dreams and employment opportunities. Is the aim to conceal their belief system? If so, how will concealing what they believe in change their approach or thinking? This also means that a child wearing a turban, veil or kippah cannot dream of becoming a police officer or a teacher, and will have to choose one or the other. This is not secularism.

How can we ask to diversify the fields of education and the police force, for example, and create an environment of respect when we are telling individuals that their religious expressions (that do not infringe on the rights of others) are not acceptable, and that they are not allowed to service the province that they live in and the people within this province who are also diverse?

Article 14 indicates that:

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

In the case of Bill 21, freedom of conscience and religion is present under the condition that you do not show it by wearing a religious symbol, and if you do your career options are limited. This is a clear infringement of human rights and an indicator to children that their rights can be taken away from them without their consultation if the government decides to do so. This is not the democratic process that Quebec abides by.

III. A. 1. Recommendations:

- **Conduct a Child's Rights Impact Assessment (CRIA) to identify, analyse, and evaluate the potential direct or indirect effects of Bill 21 on the rights of children, especially children from religious minorities;**
- **Through CRIA, explore ways to balance the various rights of children to come up with an approach that respects both the right of religious freedom and other rights in the Convention and in Quebec.**

IV. Disability, Basic Health and Welfare (Arts. 18, 23, 24, 26, 27)

IV. A. Children with disabilities

Issue: Children with disabilities are children first, and as such their human rights are safeguarded by two UN treaties: the CRPD and the CRC. These regulations also exist to serve as guidance in the creation of comprehensive systems of care, inclusive environments, accessible societies and communities that allow these children to thrive and to achieve the best of their intrinsic capacities. Nevertheless, children with disabilities and their families in Quebec are often unable to realize basic rights such as access to adequate health and education, including having access to information on the rights they are entitled to. This vulnerable group falls in an intersectional gap between the rights of children and the rights of persons with disabilities, and other groups of children within intersectional considerations such as: girls, Indigenous, immigrants, refugees, and LGBTQ2S+ children with disabilities may face more discrimination when they also have a disability.

Evidence:

- **Community Participation:** Research evidence supports that children with cerebral palsy in Quebec participate less than other children of the same age in physical activities and

other leisure activities that are essential for their development such as community activities, sports, and social interactions (Shikako-Thomas et al., 2012, 2015, 2019).

- **Access to supports for families:** According to the policy “A Part Entière” (OPHQ, 2009), children with disabilities and their families can benefit from respite care and supports for leisure through funding for a trained staff to attend to the specific needs of the child in inclusive settings. However, families indicate that supports are often not adequate, the process to obtain the resources are lengthy and often not sufficient to ascertain full and equal participation of their children, particularly when children have multiple disabilities (e.g. physical, intellectual, visual and hearing) and behavior challenges. Community programs state that the supports offered is not adequate, systematic funding mechanisms are lacking, and the lack of central data collection on children with disabilities makes it difficult to map and understand the real needs of children and families (Shikako-Thomas et al., 2019).
- **Right to health:** Evidence also shows that children with disabilities in Quebec can wait for 18-24 months to receive essential diagnosis and referral to specialized health services, limiting the advantages of the critical development period and future development (Grilli et al., 2007).
- **Inclusive education:** Children with disabilities in Quebec who have severe disabilities requiring medical attention, or who have moderate to severe intellectual disabilities or autism are often not integrated into regular school settings. The best interest of child is not always respected when children have to commute for over 3 hours to attend the specialized school setting. This poses important limitations in their inclusion, socialization, education about their rights, and opportunities for growth for these children, as it means they are not integrated into the communities where they live, they may not have time to participate in after school programs and have limited social interactions.
- **Respect for evolving capacities of the children:** Children with disabilities in Quebec can attend specialized school settings until they are 21 years old. However, transition to adulthood, work preparedness or opportunities for independent or assisted living are lacking. Youth over 18 years old are often placed into senior living spaces when their families cannot provide adequate accommodations such as full-time care and meaningful citizenship and participation opportunities are missing.

IV. A. 1. Recommendations:

- **The Quebec government should work in collaboration with the children with disabilities’ communities to improve the offer of services and support provided to children and families.**
- **A Children’s Right Impact Assessment should be carried within the policy “A Part Entière” and with the Family Policy with emphasis on the rights of children with disabilities, and identify the resources that should be allocated, specific indicators for success, and the enforcement measures within provincially funded services to respond to these needs.**
- **A systematic and central data collection system for children with disabilities should be put in place through administrative data to the service providers such as municipalities, community services, health care, and education to identify the needs of children with disabilities and facilitate funding and service provision and monitor**

implementation in policy development, municipal plans and Quebec-national organizations.

IV. B. Arbitrary Retention of Children’s Special Allowances

Issue: Under present federal laws, the *Income Tax Act (ITA)* and the *Children’s Special Allowances Act (CSAA)*, children with mental and developmental disabilities who are placed under the care of a *provincial* institution other than a hospital (in effect, a youth detention center, a child re-adaptation center, etc.) for any duration, he or she *lose* his or her status of “*qualified dependents*”. The payment of the child allowance *allocations* to his parents is suspended and redirected to said institution “*for the month that includes that time*”.

Evidence: This federal legislative scheme, operationalized through Quebec regulations, in effect deprives the family of a child living with a developmental and mental disability of the much needed monthly child allowance. A clear illustration of this differential treatment is the fact a child hospitalized for a physical illness remains a “qualified dependent”, irrespective of the duration of the hospitalization, while a child with a developmental disability may lose this status from the first day in the care of an institution other than a hospital, pursuant to s. 3(1) of the CSAA. Consequently, the child with the mental or developmental disability will lose their entire monthly child allowance even if they stay three days in youth detention center or a readaptation center.

IV. B. 1. Recommendation:

- **The Government of Canada must correct loopholes in the *Income Tax Act* and the *Children’s Special Allowances Act* that allows the Quebec government to retain federal child allowances for the entire month for children with a mental or developmental disability who are placed in an institution other than a hospital, in order to end discrimination based on mental disability and social condition.**

V. Education, Leisure and Cultural Activities (Arts. 28, 29, 31)

V. A. Education & Children’s Rights

Issue: Child Rights Education (CRE) is not a mandatory part of the Quebec Education Programme. Since it is not mandatory, the majority of teachers in Quebec do not receive training in their Bachelor of Education programmes/teacher certification programmes across the province of Quebec. There are also no child rights-based teacher training programmes for in-service teachers. This impacts the quality of education and the school policies and systems that they have in place, which are not rights-based

Evidence: As aforementioned, research indicates (Potvin & Benny, 2013; UNICEF Canada & OPACYO, 2013) that while children may have learned about certain aspects of human rights, equality, and democracy at the elementary and secondary levels, particularly through History and citizenship Education and Ethics and Religious Cultures, they have not learned about the CRC and their rights as children. Since there is no monitoring system, training for pre-service and in-service teachers on child rights, and no set curriculum as well as data and assessment, there is no way of knowing whether or not teachers teach or apply these rights, and if they do how they do it. “In fact,

we don't know, among other things, the content taught, the pedagogical methods adopted, class activities, the amount of time spent on this subject, the extent of project or learning situations, the materials used, evaluations carried out, the skills and professional competencies of the teachers in this area” (Potvin & Benny, 2013, p. 30).

In their report, Potvin and Benny (2013) also address teacher resistance to child rights education; they state:

Respondents believe that, in general, elementary and secondary educators are afraid to speak about ‘sensitive’ subjects in their classes (Éthier and Lefrançois, 2007), such as rights violations, racism, sexism, homophobia, Islamophobia and anti-Semitism. They are afraid of creating an atmosphere of confrontation, conflict and guilt (perpetrator vs. victim). This fear comes in part from a misunderstanding of the meaning and scope of the application of children's rights, particularly freedom of conscience (religion), freedom of expression and opinion, and right to education in the most general sense, and thus of an education deemed insufficient in those regards. The dominant view that educators have of discrimination (that is, rights violations) – whether deriving from racism, sexism, or other grounds - seems to reduce the phenomenon to a matter of individual prejudices and marginal, excessive or violent exceptions. This makes it difficult to integrate a broader systemic and institutional approach to respect for and effectiveness of rights. (p. 31)

Without formal Child Rights Education (CRE), children will not be able to learn about their rights not only in terms of international universal rights, but their rights in Quebec as human beings and individuals as enshrined in the Quebec Public Education Act and the Canadian and Quebec human rights charters, and teachers will not learn how to address essential issues and deal with rights violations. Without rights knowledge, children will also not know how to access these rights, who to turn to if their rights are violated, what forms rights violations can take (not necessarily always as obvious as being kidnapped by strangers), and how to protect their rights, the rights of others and the environment as well as how all these rights are independent yet interlinked.

It is important to show children that their rights do not end the moment they enter the school; some rights that tend to be violated in elementary and secondary schools include but are not limited to the right to privacy, right to play, right to participate in decisions that concern them, right to equitable education, right to be protected from harm (i.e. bullying in all of its forms, discrimination based on color, gender, religion), the right to not to be questioned/interrogated in school or elsewhere without a parent or guardian present, and the right to know their rights.

V. A. 1. Recommendations:

- **Child Rights Education based on the CRC must be a part of the formal education programme for children and all programmes for adults working with children in schools;**
- **As Quebec is a duty-bearer under the Convention, it is essential that Quebec develop and publicly release a plan to teach every child about children’s rights, train teachers and other professionals who work or will be working directly or indirectly with children about children’s rights, and incorporate children’s rights into the current and future policies for education in Quebec;**

- **The plan must include the training of teachers during their Bachelor of Education programmes as well as ongoing teacher training programmes; a monitoring and evaluation system to ensure that child rights education is taking place; and, training for all school administrators/personnel working in the school and with children must also receive training;**
- **The curriculum design for CRE must also be done in collaboration and consultation with children, teachers, child rights experts and educators, parents/guardians, caregivers, and lawyers to name a few.**

VI. Special Protection Measures (Arts. 22, 30, 32, 33, 34, 35, 37, 38, 39, 40)

VI. A. Denial of Access to Health Insurance

Issue: Children born on Canadian soil and in Quebec from parents without or waiting for legal residency status have consistently been denied provincial health insurance coverage.

Evidence: For more than 20 years, children who are born citizens of Canada and living in Quebec with their parents who live in precarious migration status (such as asylum seekers) are denied health insurance coverage by the Quebec Health Insurance Board (Régie de l'Assurance-maladie du Québec) on the basis that under art. 80 of the Quebec Civil Code, a child is a domiciled dependent of their parent or guardians and that since their parents are not legally considered domiciled in Quebec, they are not considered domiciled in Quebec and not entitled to health coverage. Upon appeal, the RAMQ's administrative decision has been systemically upheld by the Quebec Administrative Tribunal. This situation deprives these children from full citizenship rights and privileges, as Canadian-born citizens; it also violates different provisions of the Canada Health Act that guarantee national health care standards of universality, accessibility and transferability as enshrined in ss. 7 to 12 of said Act. However, the Government of Canada has not acted in a responsible manner to uphold federal laws on health care and citizenship, through its cost-sharing authority, and leaves many Canadian-born children in Quebec in a precarious state of deprivation of the right to life, liberty and security of the person.

VI. A. 1. Recommendation:

- **That the Government of Canada through its funding and other legal authority enforce the Canadian Citizenship Act and the Canada Health Act to ensure full and equal access of Canadian-born children of parents without legal residency status to health insurance coverage.**

VI. B. Children and Access to Justice

Issue: Children, face numerous systemic obstacles in the criminal and civil justice systems, as victims and witnesses in particular. These barriers jeopardize their constitutional rights to the equal protection and benefit of the law as it deprives of effective protection from discrimination, violence and crime.

Evidence: Through its complaints which it files over the years, on behalf of parents and children of diverse backgrounds, with administrative agencies and tribunals, CRARR has noted the

following trends that effectively deprive these children from the enjoyment of rights and freedoms guaranteed by the CRC and other domestic legislation:

- **Excessive delays in accessing civil rights protections and recourses:** In cases filed with the Quebec Human Rights and Youth Rights Commission (“the Commission”), which also has the mandate to oversee the Youth Protection Act and the implementation of rights guaranteed under said Act, it can take up to seven years from the time of the filing of a complaint to the time a decision is rendered by the Commission. The Commission has no procedure for special, accelerated intervention in cases whereby a child’s physical and psychological safety is threatened by discrimination, harassment or hate in specific sectors such as education, the youth protection system and in certain neighborhoods where racial profiling by the police is commonly practiced. The problem has been brought to the attention of successive Quebec Justice Ministers who are in charge of the application of the *Quebec Charter of Human Rights and Freedoms* (which creates the Commission), but no change has taken place.
- **Children being denied the right to be a witness:** It has been observed in many cases before the Commission, other public protection agencies such as the Police Ethics Commissioner, and the police, that children who are themselves the alleged victims of discrimination and hate or who are witnesses to discrimination and hate experienced by their parents, are not considered as reliable witnesses and are therefore dismissed in the investigation into these cases.
- **Children who are victims of certain child-related crimes are not covered by provincial crime victims’ compensation programs:** The Quebec government’s Crime Victims Compensation Program (Indemnisation des victimes d’actes criminels, or IVAC) does not include the possession and distribution of child pornography and cyber-bullying as crimes whose victims can receive financial support from the state for treatment and counselling. This is due to the fact that the Quebec IVAC program has not updated its list of crimes for more than twenty years (in Canada, the federal government has jurisdiction over criminal law and defines federal offenses). Consequently, these children and their parents are systematically denied financial support and have to file for an “appeal” before the Quebec Administrative Tribunal, where they will be opposed by the Quebec Attorney General (as well as the Attorney General of Canada, if they raise a constitutional argument to the effect that such an exclusion constitutes a denial of the rights to the life, liberty and security of the person and to the equal protection and equal benefit of the law, which are rights guaranteed in the constitutional *Canadian Charter of Rights and Freedoms*).

VI. B. 1. Recommendations:

- **The Quebec Government must ensure full and equal access to justice to children, particularly children who are Indigenous, racialized, disabled and economically disadvantaged, by ensuring speedy access to protection by Quebec government agencies with a statutory mandate to protect civil rights.**
- **The Quebec Government must modernize its crime victims’ compensation program to include federal offenses often committed against children such as child pornography, and the Government of Canada must adopt national standards for crime victims’ compensation;**

- **The Quebec government, through the Justice Minister, must issue regulations guaranteeing the right of children to act as witnesses in all administrative, civil and criminal proceedings.**

VI. C. Racial Profiling and Policing

Issue: Indigenous and racialized children and adults are disproportionately exposed to discriminatory police practices such as street checks and car interceptions, and penalized and criminalized as a result.

Evidence: An October 2019 report commissioned by the Montreal Police Department reviews data on random street checks between 2014 and 2017 in Quebec’s largest city and concludes that Black, Arab and Indigenous persons, starting at the age of 15, were disproportionately stopped and checked by police officers, often without probable cause. The ratio compared to the general population is 4 to 11 times. These street checks often lead to fines or criminal charges, or both. Fines are often levied on the basis of violations of city by-laws such as jaywalking and talking loud in public places, and if the citizen argues or fails to comply with an officer’s demand for his or ID to write the ticket, he or she can be violently placed under arrest and charged with obstruction of a police officer’s work, resisting arrest (usually as a reaction to tight handcuffs) and assaulting an officer. If it is a youth under 18, he or she will face a trial in the Youth Court, and be represented by legal aid counsel. In part due to disproportionate street checks, and the city’s policy against “incivilities” (which is styled after New York City in the 1990s and which was adopted by the Montreal Police Department and the Montreal Transit Authority without public discussions), racialized youths (mostly Black, Arab and Latino) are disproportionately represented among the Youth Court’s accused population. Inadequate legal aid coverage for youth criminal justice cases often results in legal aid lawyers not investing sufficient time and efforts for these youths’ defense. What is also disturbing is that despite its public discourses, the Quebec Human Rights and Youth Rights Commission has not adopted policy guidelines on systemic racial discrimination in order to investigate more adequately systemic dimensions of complaints of racial profiling.

VI. C. Recommendation:

- **The Quebec Government must specifically legislate against racial profiling in provincial human rights legislation, adopt regulations against racial profiling and street checks under the provincial Police Act, as other provinces in Canada have done, in order to set clear standards for law enforcement and prevent systemic racism in the criminal justice system as a whole.**

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Annex A
List of Key Recommendations (per section)

I. General Measures of Implementation

A. Child Rights Awareness

- **As Quebec is a duty-bearer under the Convention, it is essential that it develops and publicly releases a plan to teach every child about children's rights, train teachers and other professionals who work or will be working directly or indirectly with children about children's rights, and incorporate children's rights into current and future policies for education in Quebec;**
- **Put in place a monitoring system and evaluation structures to ensure that the plan is being implemented, and to also identify areas that potentially require support, strengthening and/or amending;**
- **Involve children in both the process of creating a plan and in raising awareness on child rights.**

II. General Principles

A. Participation Rights

- **Education programs for all children's services providers – i.e., entry-to-practice as well as continuing education programs - need to ensure their curricula are based on emerging conceptions of childhood and children that demonstrate they have greater participation capacities and interests than are commonly recognized.**
- **Education programs should also help service providers understand that children's participation capacities and interests are not static. The strength of their views and their abilities to have their views heard are strongly dependent on their relational context, which can foster or impede their participation capacities and interests.**
- **Practice standards and policies within all sectors of children's services should be reviewed and updated to ensure children's participation is maximally promoted (e.g., within healthcare, child welfare, schooling, family law, youth justice).**
- **A structure and process should be developed that will promote the meaningful participation of children in future reviews of children's rights policies and practices in Quebec.**

III. Civil Rights and Freedoms

A. The right to freedom of thought, conscience and religion

- **Conduct a Child's Rights Impact Assessment (CRIA) to identify, analyse, and evaluate the potential direct or indirect effects of Bill 21 on the rights of children, especially children from religious minorities;**

- **Through CRIA, explore ways to balance the various rights of children to come up with an approach that respects both the right of religious freedom and other rights in the Convention and in Quebec.**

IV. Basic Health and Welfare

A. Children with disabilities

- **The Quebec government should work in collaboration with the children with disabilities' communities to improve the offer of services and support provided to children and families.**
- **A Children's Right Impact Assessment should be carried within the policy "A Part Entière" and with the Family Policy with emphasis on the rights of children with disabilities, and identify the resources that should be allocated, specific indicators for success, and the enforcement measures within provincially funded services to respond to these needs.**
- **A systematic and central data collection system for children with disabilities should be put in place through administrative data to the service providers such as municipalities, community services, health care, and education to identify the needs of children with disabilities and facilitate funding and service provision and monitor implementation in policy development, municipal plans and Quebec-national organizations.**

B. Arbitrary Retention of Children's Special Allowances

- **The Government of Canada must correct loopholes in the *Income Tax Act* and the *Children's Special Allowances Act* that allows the Quebec government to retain federal child allowances for the entire month for children with a mental or developmental disability who are placed in an institution other than a hospital, in order to end discrimination based on mental disability and social condition.**

V. Education, Leisure and Cultural Activities

A. Education & Children's Rights

- **Child Rights Education based on the CRC must be a part of the formal education programme for children and all programmes for adults working with children in schools;**
- **As Quebec is a duty-bearer under the Convention, it is essential that Quebec develop and publicly release a plan to teach every child about children's rights, train teachers and other professionals who work or will be working directly or indirectly with children about children's rights, and incorporate children's rights into the current and future policies for education in Quebec;**
- **The plan must include the training of teachers during their Bachelor of Education programmes as well as ongoing teacher training programmes; a monitoring and evaluation system to ensure that child rights education is taking place; and, training**

for all school administrators/personnel working in the school and with children must also receive training;

- **The curriculum design for CRE must also be done in collaboration and consultation with children, teachers, child rights experts and educators, parents/guardians, caregivers, and lawyers to name a few.**

VI. Special Protection Measures

A. Denial of Access to Health Insurance

- **That the Government of Canada through its funding and other legal authority enforce the Canadian Citizenship Act and the Canada Health Act, to ensure full and equal access of Canadian-born children of parents without legal residency status to health insurance coverage.**

B. Children and Access to Justice

- **The Quebec Government must ensure full and equal access to justice to children, particularly children who are Indigenous, racialized, disabled and economically disadvantaged, by ensuring speedy access to protection by Quebec government agencies with a statutory mandate to protect civil rights.**
- **The Quebec Government must modernize its crime victims' compensation program to include federal offenses often committed against children such as child pornography, and the Government of Canada must adopt national standards for crime victims' compensation;**
- **The Quebec government, through the Justice Minister, must issue regulations guaranteeing the right of children to act as witnesses in all administrative, civil and criminal proceedings.**

C. Racial Profiling and Policing

- **The Quebec Government must specifically legislate against racial profiling in the provincial human rights legislation, adopt regulations against racial profiling and street checks under the provincial Police Act, as other provinces in Canada have done, in order to set clear standards for law enforcement and prevent systemic racism in the criminal justice system as a whole.**

ⁱ Franco A. Carnevale, a nurse, psychologist, clinical ethicist, at McGill University. He is principal investigator for VOICE: Views On Interdisciplinary Childhood Ethics. VOICE is a McGill-based international initiative to advance knowledge and practices relating to ethical concerns in childhood. VOICE is led by the following eight core researchers (www.mcgill.ca/voice): Franco Carnevale (VOICE Principal Investigator; Ingram School of Nursing, McGill University); Delphine Collin-Vézina (School of Social Work, McGill University); Mary Ellen Macdonald (Faculty of Dentistry, McGill University); Jean-Frédéric Menard (Faculty of Law, Université de Sherbrooke); Marjorie Montreuil (Ingram School of Nursing, McGill University); Victoria Talwar (Faculty of Education, McGill University); Gail Teachman (School of Occupational Therapy, Western University); Shauna Van Praagh (Faculty of Law, McGill University).

ⁱⁱ Hala Mreiwed, a child rights education consultant, a PhD Candidate and a course lecturer at the Faculty of Education at McGill University. She is the recipient of several internal and external awards. Her research explores the transformation of the CRC from a symbolic text to a living document in classrooms. Ms. Mreiwed has been working with children and advocating for their rights for over a decade in Canada and abroad in education, alternative care, and media. She is also member of the board of directors of the Canadian Coalition for the Rights of Children (CCRC).

ⁱⁱⁱ Fo Niemi is the executive director of the Center for Research-Action on Race Relations (CRARR), a non-profit civil rights organization based in Montreal. He was also a Commissioner with the Quebec Human Rights and Youth Rights Commission from 1991 to 2003. He is a graduate of social work from McGill University and has studied political science at Concordia University, with specialization in judicial activism and the civil rights movement in the US and Canada. Mr. Niemi has been recognized by the Montreal Association of Black Business and Professional People, the Muslim Council of Montreal, and the Lord Redding Society (Montreal Jewish Bar association) for his civil rights work. He was the recipient of the Quebec Justice Award in 1995, the Queen's Commemorative Silver Jubilee Medal in 2002 and the Queen's Diamond Jubilee Medal in 2012.

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