



FROM WHERE I SIT

The UN Convention on the Rights of the Child @ 20

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We sometimes hear adults suggest that children have “too many rights”, usually out of concern about children and youth who oppose what adults want them to do – or who are involved in harmful activities.

But few adults or children really know what rights children from birth to age 18 are actually entitled to in human rights and domestic law, and why they are so important.

Children, like all human beings, are born with inherent rights – rights to survival, to be protected from harm, to opportunities to develop, without discrimination based on who they or their parents are. These rights cannot be given or taken away. They are codified in international law like the UN Convention on the Rights of the Child, and to some extent in our domestic laws and Constitution. They can be provided for, or denied.

But rights are not about what *children* do, they are about what governments agree to do for children when they commit to treaties and laws. Rights transform what governments do from benevolent impulses – like whether or not to fund primary education for every child, and whether or not to ensure every child has a legal identity – into duties and obligations that must be honoured. When rights are fully provided, the result is usually children who are healthy, productive and respectful citizens and family members.

This year marks the twentieth anniversary of the Convention on the Rights of the Child. Canada signed the Convention in 1989, along with so many other nations that the Convention became the most widely and rapidly ratified human rights treaty in history.

So let’s take this opportunity to look at how far we’ve travelled in twenty years to provide for and protect the rights of children, and what steps we need to take next as a country that keeps its promises for children.

“The youngest children in our society do not have a fair call on the nation’s resources. Canada is one of the most affluent industrialized countries (by GDP) and the majority of our children are in some form of early child care, but we invest only 0.2% GDP in early child care and education.”

In UNICEF’s 2007 comparative study of child well-being in the world’s richest countries, Canada was in the middle – ranked 12 of 21 other affluent countries – on an index of 24 indicators of children’s rights and well-being¹.

Our report found that we are doing quite well in the provision of children’s right to education. Our education system does a comparatively good job of not only equipping our children with functional skills, but evening out the disadvantage of social and economic marginalization.

Breastfeeding rates are increasing – and need to advance further. We have a new commitment to improve the mental health of children and adults. Most provinces have independent advocates for children. There are considerable advances in federal and provincial legislation that better protect children from injury and exploitation.



But in some fundamental aspects of survival and health, the state of our children is alarming. Canada has the technology, the information and the resources to ensure the highest possible state of health for their children. Yet in infancy, Canada's children have an infant mortality rate that is stagnating relative to many other affluent countries, at 5 deaths per 1,000 live births². Canada ranks at 161 of 189 countries on under-5 mortality³, at a rate similar to that in Croatia and in Malta. In Canada, unintentional injury remains the leading cause of death for children ages 1 to 14⁴. Canada ranks only 22 out of 29 industrialized countries when it comes to the rate of preventable childhood injuries and deaths.

But national averages tell us very little about the most vulnerable populations. The infant death rate among First Nations children living on reserves is estimated at 8 deaths per 1,000 live births⁵, comparable with Latvia and Lithuania. The rate in Nunavut (where about 85 percent of the population is Inuit) is more than three times the national rate at 16 deaths per 1,000 live births⁶ – almost equal to that in Sri Lanka and Fiji⁷.

The disparities between First Nations, Inuit and Métis children relative to national averages is one of the most significant challenges facing our country as we work to progressively implement international human rights commitments.

“The youngest children in our society do not have a fair call on the nation's resources. Canada is one of the most affluent industrialized countries (by GDP) and the majority of our children are in some form of early child care, but we invest only 0.2% GDP in early child care and education⁸. Sweden invests 1.26%⁹. UNICEF's Report Card on early child care and education reported that we are meeting only one of ten benchmarks for the provision of early child care and education services that have a strong probability for good outcomes for children¹⁰.”

The Convention on the Rights of the Child obliges governments to ensure that they invest in children to the highest possible standard, make decisions in the best interests of children, and reach children without discrimination or inequity. Recommendations from the United Nations in 2003¹¹ and 2008¹², and from the Senate in 2007¹³, have identified the need to do more to fulfill our promises.

Internationally, Canada was among the founders of the United Nations and has a long history of support for human rights. It has been continuously engaged with every human rights declaration, covenant and convention that has been negotiated under the authority of the United Nations since the end of the Second World War. Canada played a significant role in drafting the UN Convention on the Rights of the Child between 1979 and 1989, and in the Optional Protocols related to child exploitation and to children in armed forces.

This year, twenty years after we signed onto the Convention, Canada is due to report again to the UN Committee on the Rights of the Child. Can we say we are providing the best we have to give? What can we do to accelerate our progress for children?

“Most pressingly, Canada can establish a national Children's Commissioner. No office of the federal government has the responsibility to hear children's views and call attention to their best interests at the national level, as in most provinces. No one is charged with ensuring that our federal laws, policies and programs are viewed through the lens of child and youth needs, and that negative and positive impacts on children are considered before enactment.”

Based on UNICEF's research on the impact of Children's Commissioners in dozens of countries, we are confident that this measure would raise children up on the political agenda. A Children's Commissioner would monitor implementation of the Convention, review proposed legislation and policy, make annual reports to Canadians on the status of children and their rights, help co-ordinate the substantial work being done by federal and provincial governments and children's advocates, call attention to looming concerns before they mushroom into epidemic proportions, and work to reduce the gap in life chances between Aboriginal and non-Aboriginal children.

Twenty years after the Convention on the Rights of the Child was adopted, Canada does many things very well for many children. It is possible to do more for all children.

Endnotes

- 1 UNICEF, Child poverty in perspective: An overview of child well-being in rich countries, *Innocenti Report Card 7*, 2007, UNICEF Innocenti Research Centre, Florence.
- 2 UNICEF, Child poverty in perspective: An overview of child well-being in rich countries, *Innocenti Report Card 7*, 2007, p 14, UNICEF Innocenti Research Centre, Florence.
- 3 UNICEF State of the World's Children Report 2008, “Under 5 Mortality Rankings,” Statistical Tables, p 113.
- 4 Public Health Agency of Canada, Leading Causes of Death, Canada, 2004.
- 5 Indian and Northern Affairs Canada Basic Departmental Data (2002), http://www.aiccinac.gc.ca/pr/sts/bdd02/bdd02_e.pdf.
- 6 The Chief Public Health Officer's Report on the State of Public Health in Canada 2008.
- 7 Canadian data from “The Chief Health Officer's Report on the State of Public Health in Canada, 2008” and international comparisons from UNICEF's *The State of the World's Children*, 2009.
- 8 OECD, Starting Strong II: Early Childhood Education and Care, <http://www.oecd.org/dataoecd/16/44/37423348.pdf>
- 9 UNICEF, The child care transition, *Innocenti Report Card 8*, 2008, p 27, UNICEF Innocenti Research Centre, Florence.
- 10 UNICEF, The child care transition, *Innocenti Report Card 8*, 2008 UNICEF Innocenti Research Centre, Florence.
- 11 Committee on the Rights of the Child, Thirty-fourth session Consideration of Reports submitted by States Parties under article 44 of the Convention, Concluding observations: Canada, CRC/C/15/Add.215 27 October 2003.
- 12 Human Rights Council - Working Group on the Universal Periodic Review, Fourth Session, Geneva, 2-13 February 2009. “Compilation Prepared by the Office of The High Commissioner for Human Rights, in accordance with paragraph 15(B) of the Annex to the Human Rights Council Resolution 5/1 – Canada”.
- 13 Children: The Silenced Citizens, Effective Implementation of the Canada's International Obligations with Respect to the Rights of Children, Final Report of the Standing Senate Committee on Human Rights, 2007.