



child care

and the United Nations Convention
on the Rights of the Child



Canadian Coalition
for the Rights of Children
Coalition canadienne
pour les droits des enfants

A guide for people who work for or with children and youth

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Suggested citation: Canadian Coalition for the Rights of Children (2002).
Child Care and the United Nations *Convention on the Rights of the Child*.
Ottawa: Canadian Coalition for the Rights of Children.

Acknowledgements

The Canadian Coalition for the Rights of Children gratefully acknowledges the following: Human Resources Development Canada (HRDC), whose funding allowed the development of this booklet; principal investigator, Dr. Katherine Covell, Children's Rights Centre, University College of Cape Breton, the staff of the Centre, Colleen MacNeil, Johnna O'Leary and Kelly Campbell – in particular Kelly whose research and writing made these booklets possible; project manager Kelli Dilworth, Canadian Institute for Child Health, for her organizational efficiency; and Tara Gough, Canadian Child Care Federation, for her design. We also owe our gratitude to all those who contributed to this final product by completing the survey, attending the workshops and giving us such helpful feedback and encouragement.

The Child, Family and Community Division of HRDC is pleased to have provided financial support and consultation to this project. The views expressed in this publication do not necessarily reflect those of HRDC.

Design explanation !

The graphic shows the letter "i" emphasized in the words "rights of the child." The idea behind this is that the "i" is important in both; each individual right is important, as is the importance of each child entitled to these rights. The "i" also serves as a silhouette of a child. The explanation mark drives home the point that this is an important issue that needs our attention. The mock world that forms the period of the exclamation mark emphasizes that this is an important global issue, one we all have to work together for, and that applies to all the world's children.



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Dear Friend:

During the spring and summer of 2001, the Canadian Coalition for the Rights of Children (CCRC), with funding from Human Resources Development Canada, began a project to spread awareness of the United Nations Convention on the Rights of the Child (CRC). This booklet is one outcome of that project.

The first stage of our project involved assessing existing knowledge of the principles and provisions of the CRC among those who work with or on behalf of children. We contacted 1700 such people or organizations across Canada and found a real eagerness for more information. We developed a prototype information booklet, which was evaluated by representatives of various stakeholders at two one-day workshops held in Ottawa in June of 2001. Modifications to both style and content were made based on their recommendations and a further evaluation was conducted by a specialist in the field. Over the next four months, approximately 400 draft booklets were pilot tested by people in a variety of organizations. Their experiences and recommendations were taken into account when developing this booklet. We are extremely grateful to all the people who so generously gave of their time and expertise.

This booklet is one of seven that were developed to provide an overview of the CRC for people who work with and on behalf of children in the following areas:

- child care
- education
- health care
- justice
- protection
- recreation
- resource and support programs

For copies of these booklets, contact the CCRC or download them from the CCRC website. We hope that they will be a useful reference for you.

Our aim is, with your help, to improve the lives of children and in so doing to work together toward building a culture of peace.

Sincerely,

**Board of Directors 2002,
Canadian Coalition for the Rights of Children**

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What are children's rights?

Children's rights are described in the United Nations *Convention on the Rights of the Child* (CRC). The CRC describes three categories of rights.

- Rights of *provision*, for example, the right to adequate education and health care.
- Rights of *protection*, for example, the right to be protected from abuse and neglect.
- Rights of *participation*, for example, the right to be heard in matters affecting the child.

What is the United Nations Convention on the Rights of the Child?

On November 20, 1989, the United Nations General Assembly unanimously adopted the *Convention on the Rights of the Child*, the most comprehensive treaty for the protection and support of children in existence today. It reaffirms the fact that children, due to their vulnerability, need special care and protection, defined in terms of rights. The CRC has been ratified by more countries than any other human rights treaty in history. Canada is one of 191 nations that have signed and ratified the CRC, demonstrating our government's commitment to recognize the fundamental human dignity of our children, and to ensure their well being and healthy development. (The USA and Somalia are the only 2 countries that have not ratified the CRC.)

How does the CRC define a child?

The CRC defines a child as every person under the age of 18, unless under a particular law the age of majority is attained earlier.

To ratify means to approve and sanction formally. Canada ratified the CRC in 1991.

Why do we need the CRC in Canada?

Overall, Canadian laws, policies and practices provide relatively well for children's rights. Nonetheless, many children in Canada live in poverty. Some Canadian children receive inadequate health care and experience poor nutrition, and some are abused or exploited. Also, a substantial number of Canada's refugee and immigrant population are children who are living with the long-term trauma of war or civil conflict. The CRC, then, is a valuable means of emphasizing the continuing need to protect children from conditions that compromise their healthy development, and to provide optimal conditions to ensure their well-being.

The CRC also articulates the need for meaningful participation of children in matters that affect them. Canadian children are given few opportunities for input in decisions that affect them in their families, schools and communities. The CRC encourages meaningful opportunities for youth participation and acknowledges the value of participation as a necessary part of healthy development.

But we have a Charter over Rights in Canada; why do we need something more?

The *Canadian Charter of Rights and Freedoms*, as well as other international human rights treaties and provincial human rights legislation, applies to all adults and in many cases to children. However, these human rights documents and laws do not deal with the rights of children in a clear and systematic way. Nor do they recognize the unique developmental needs of children. The CRC is important as it clearly recognizes children as independent rights-bearing persons and focuses on the specific needs of children for healthy development.

FYI

For more information about the status of children's rights in Canada see:

Canada's NGO Report to the UN General Assembly Special Session on Children, www.rightsofchildren.ca

How Does Canada Measure Up? www.rightsofchildren.ca

Covell, K. & R. Brian Howe (2001). *The Challenge of Children's Rights for Canada*. Wilfrid Laurier University Press. ISBN: 0 88920 380 6

Convention on the Rights of the Child: Second Report of Canada. Canadian Heritage, 15 Eddy Street, Hull, Quebec, K1A 0M5; Phone (819) 997-0055

Online version of the United Nations Convention on the Rights of the Child, www.unhchr.ch/html/menu3/b/k2crrc.htm

For a youth-friendly version, Say It Right! The Unconventional Canadian Youth Edition of the United Nations Convention on the Rights of the Child. Available through CCRC, c/o Canadian Institute of Child Health, Suite 300, 384 Bank Street, Ottawa, Ontario, K2P 1Y4.

Does the CRC address responsibilities?

With rights come responsibilities. The CRC outlines the following responsibilities:

- *For governments:* to support families and communities, and to respect and provide for the rights of children through laws, policies and special programs.
- *For parents:* to provide for the rights and best interests of their children.
- *For society:* to respect the rights of children and to support programs that provide for children's rights.
- *For children:* to respect the rights of others. (Studies show that the more children know about their own rights, the more likely they are to respect the rights of others.)

How is the CRC interpreted?

Four principles serve to guide interpretation of the CRC:

1. *The best interests principle.* The CRC requires that the best interests of the child be a primary consideration in all decisions that affect children (*Article 3*).
2. *Non-discrimination.* All children, regardless of their ethnocultural, socioeconomic, or health status must have their rights respected and be protected from any form of discrimination (*Article 2*).
3. *Life, survival and development.* Every child has the inherent right to life, survival and optimum development (*Article 6*).
4. *Participation.* Children must be given the opportunity to express their views and have those views considered in all matters that affect them, in accordance with their evolving capacities (*Articles 12, 13, 14 and 15*).

What does the CRC mean for parents?

The CRC recognizes the fundamental importance of the family to healthy child development (*Preamble*, and *Articles 3, 5, 9, 14 and 18*).

The CRC addresses children's participation. Does this mean we're supposed to let children make all of their own decisions?

No. *Article 12* requires that children be given meaningful and age-appropriate opportunities for participation in matters that affect them. However, this does not mean that children should be given absolute decision-making power. Under the CRC, parents and other adults have the responsibility to engage children as active and valued participants in all decisions that affect them, while providing them with advice and appropriate guidance. Adults can provide age-appropriate opportunities for decision-making by encouraging younger children to participate in everyday decisions (such as whether they would prefer milk or juice with their breakfast). As children mature, their capacity for autonomous decision-making increases and greater independence should be encouraged.

Age-appropriate opportunities for participation are essential to healthy child development. When adults are interested in children's thoughts and respect children's opinions, their self-esteem is affected in a positive manner. Also, when children are guided in making positive decisions, they learn skills necessary to become active and responsible members of society.

Does the CRC require protection of children from abuse?

The CRC requires Canada to take all appropriate legislative, administrative, social and educational measures to protect children from all forms of abuse and neglect (*Articles 19, 32, 33, 34, 36 and 37*). The experience of abuse or neglect has a negative effect on children's physical, mental and emotional well-being which may persist over their lifespan. Recognizing the serious and persistent effects of such experiences, the CRC requires that any child who is a victim of abuse,



For more information about the effects of teaching children about their rights, see the following articles:

Covell, K. & Howe, R.B. (1999). The impact of children's rights education: A Canadian study. *International Journal of Children's Rights*, vol. 7, pp. 171-183.

Covell, K. & Howe, R.B. (2001). Moral education through the 3 Rs: Rights, respect, and responsibility. *Journal of Moral Education*, vol. 30 (1), pp. 31-42.

neglect, exploitation or torture be provided with treatment that will promote both physical and psychological recovery, and social reintegration (*Article 39*).

Are there any special protections for ethnic, religious and linguistic minority groups and for Aboriginal children?

A fundamental principle of the CRC is non-discrimination (*Article 2*). The rights of each child are to be respected. However, there are also special provisions in the CRC for children who are members of indigenous or ethnocultural minority groups. Under *Article 30*, children belonging to any minority or indigenous group have the right to enjoy their own culture, practice their own religion, and use their own language. *Article 31* recognizes the right of children to participate freely in cultural life, and requires governments to encourage the provision of opportunities for participation in cultural activities.

The CRC also provides special protections for Aboriginal and minority children who must be removed from the family. When placing children in alternative care, all efforts should be made to place the child in a culturally similar home (*Article 20*). However, if a culturally appropriate placement is not available, alternative caregivers should guide and encourage children to continue to practice their own culture.

Does the CRC apply to Canadian law?

Canada ratified the UN *Convention on the Rights of the Child* on December 13, 1991. However, upon ratification the articles contained within the CRC did not automatically become part of Canadian law. Ratification of the CRC requires Canada to review domestic laws and practices regarding children and to revise public policy and practice such that the minimum standards set by the CRC are reached over time.

As an international treaty, the CRC is a part of binding international human rights law. As such, Canadian courts have begun to consider the CRC when making decisions affecting children. In addition, Canadian organizations that work with or on behalf of children should use the CRC as a reference point when setting standards. The CRC can serve as an effective tool for child advocates in their work to improve the situation for children.

How has the CRC been used in Canada to defend the rights of children?

The CRC has been used in a number of ways to defend and promote the rights of children in Canada.

- The CRC has been used as an educational tool. For example workshops have been held to inform teachers, child protection workers and police officers about the CRC and the importance of its implementation. Such workshops encourage respect for children's rights, and remind adults of the unique developmental needs of children.
- The CRC has been used effectively as an advocacy tool. For example, child advocates were successful in getting the CRC included in the preamble to the new Youth Criminal Justice Act. This means that the CRC can and should be used by the courts and justice officials when interpreting the Act.
- Recently, the CRC has been used as an interpretive guide in court cases in both the Supreme Court and lower courts of Canada involving children and families. For example, several family court cases have used *Article 3* of the CRC to reinforce the "best interests of the child" standard already present in Canadian law. The CRC has been used in other cases to justify the definition of a youthful offender. Immigration cases have also cited the CRC to prevent the separation of children from their families.



See the following cases for more information on the use of the CRC in Canadian courts:

Young v. Young, [1993] 4 S.C. R. 3. R. v. L. (D.O.), [1993] 4 S.C.R. 419

Francis (Litigation guardian of v. Canada (Minister of Citizenship and Immigration),

- The CRC can be used by each of us to remind governments of their obligations and to encourage them to work towards compliance with the CRC, and to encourage the public to support their efforts.

How is the CRC enforced?

Upon signing the CRC, the Canadian government was required to report its progress to the United Nations Committee on the Rights of the Child. The first report was due two years after ratification, and additional reports are due every five years (*Article 44*). Upon reviewing Canada's reports, the UN Committee makes recommendations for changes in policy and practice, which Canada is expected to consider and to report back on progress in the next report. However, no formal measures exist to enforce the CRC or the Committee's suggestions. The basic method of enforcement is through domestic and international pressure. Groups such as the CCRC support this work through monitoring and reporting on Canada's progress towards meeting these obligations under the CRC (*Article 45*).

What does the CRC say about child care?

Although the CRC recognizes that parents have the primary responsibility for the upbringing of their children, it also recognizes that parents often work. Therefore, the CRC gives children of working parents the right to benefit from child care services and facilities for which they are eligible (*Article 18*). The CRC also requires governments take all appropriate measures to ensure that children are provided with this right.

Despite this many children in Canada are not able to benefit from child care services both in terms of service (e.g., long waiting lists) and in terms of quality of care. The *You Bet I Care!* studies found that only about one third of both centre-based and family-based care provide experiences that support and encourage children's social, language and cognitive development. Some parents are forced to leave the workforce because they cannot afford child care fees. There are not enough facilities to meet the demand for child care spaces. In particular, there is a shortage of spaces for infants, school-age children and children with special needs. This violates children's right to child care under *Article 18* and violates *Article 2's* principle of non-discrimination. All children have the right to benefit from child care services. Canada's current child care system is discriminating against some children based on location and/or socio-economic status.

Did You Know...

Research indicates that child care quality is influenced by the interrelated factors of program structure (ratios and group size), processes that enable child care practitioners to respond appropriately to individual children (such as specialized training related to child care provision) and the work environment (remuneration and working conditions). Support for family child care providers is another very important element.

Cleveland & Krashinsky calculated that every public dollar spent on early childhood care and education results in a future benefit of at least two dollars.

Statistics Canada (1998) reported that the salaries of early childhood educators and assistants in child care were among the 25 lowest paid occupations in Canada. They earn approximately the same income as pet groomers/animal care workers and taxi/limousine drivers.

Did You Know...

Despite an increase in poverty rates, the percentage of children in subsidized care decreased throughout the 1990s, from 36% in 1992 to 31% in 1998.

In the 1990s a large majority of children in Canada who were in non-parental care while their parent(s) worked or studied were in unregulated care. In 1995, only 27% of children from birth to 11 years were in regulated child care; the remaining 73% were in a variety of forms of unregulated care. Although some families' experiences with unregulated child care may be satisfactory, unregulated child care does not guarantee basic standards and quality control measures.

A positive development during the 1990s was the increase in the number of child care staff with early childhood education (ECE) training up from 11.4% in 1991 to 42% in 1998. However, the fact that there is still any staff without ECE training demonstrates that there is still a problem of inadequate training among staff.

Ontario's Early Years study (1999) concluded that, to ensure a population that is able to cope with current wide-ranging social changes, including a leveling or decline of income among young families, increased participation of women in the labour force, changing patterns of work and pressures on families with children, child development must become a high priority.

What does the CRC say about child care for children with disabilities?

The CRC's guiding principle of non-discrimination (*Article 2*) means that all children of working parents have the right to benefit from child care services. In addition, *Article 23* outlines specific rights of children with disabilities, including the right to a full and decent life, education, training, recreation opportunities and preparation for employment. Therefore, child care services should be provided for children with disabilities, disorders, and/or health impairments.

Unfortunately, many parents have difficulty finding child care services for children with special needs. In a 1997 survey conducted by Sharon Hope Irwin and her colleagues, 53% of parents said that programs could not accommodate children with special needs, 54% indicated that such care was expensive to maintain, 69% said there were too few trained and committed caregivers, 71% had difficulty finding appropriate care and 73% had difficulties finding reliable back-ups when needed.

Does the CRC provide any regulations for child care?

The CRC does not provide any specific regulations for child care facilities. However, the CRC does require that Canada establish standards and ensure that child care facilities comply with these standards. Although there are standards for child care services in Canada, there are two major problems with these standards. First, the provinces have jurisdiction over child care services. The provinces are responsible for licensing, administration, and regulation of physical conditions, staff qualification and staff-child ratios. Although the provinces do establish standards for child care services, Canada's current system results in wide variations in standards for care, contrary to *Article 2's* non-discrimination principle. Second, these standards

only apply to regulated care. Many children in Canada receive child care services in unregulated child care settings.

The CRC requires Canada to establish standards that ensure child care staff will be suitable and will provide competent supervision (*Article 3*). Child care agencies can ensure suitability of staff by requiring them to be knowledgeable of children's rights and of child development. Knowledge of children's rights is important, not just so that staff can provide for children's rights, but also because caregivers are responsible for providing the child with direction and guidance in the exercise of their rights (*Article 5*).

Knowledge of child development is important for anyone working with children so that they can provide age appropriate activities and expectations. Developmental knowledge is particularly important for child care staff, as they will often be working with infants and young children whose brains are rapidly maturing and who are still in the process of forming primary attachments. The fact that the brain matures after birth means that young children are deeply affected by their early experiences, and research suggests that the caregiver-child relationship is a crucial aspect of a child's environment.

Does the CRC say anything about what activities should be provided for children?

The CRC does not provide specific recommendations for activities or program content. However, the CRC offers some general guidelines for the types of opportunities that should be provided for children.

The CRC recognizes that recreation and play are important for healthy development. Therefore, the CRC articulates children's right to rest and leisure, to engage in play and recreational activities and to participate

STOP and Think

Many children in Canada are cared for in unregulated care arrangements, for example, in a neighbour or relative's home.

Are such arrangements consistent with the CRC?

Are there any advantages to more informal care arrangements?

Should such arrangements be regulated?

What rights are violated or provided for by such arrangements?

Do all regulated child care facilities comply with standards and respect children's rights?

Most child care facilities have policies that prohibit staff from using physical punishment to discipline children. However, child care centres often have "parent-helper" volunteers who take turns helping out. Child care workers have expressed concern that sometimes, in a "no-hitting" centre, parent-helpers will use physical punishment to discipline their own children.

Do you have a policy at your child care service that addresses this issue?

What do you think child care centres should do if such an incident occurs?

Should parent-helpers be allowed to discipline their own children when they are at the child care centre?

How do think this affects the child and other children at the centre?

How could child care staff help parents learn about non-violent discipline strategies?



FYI

For more information about information on new research, policy and resources, contact Childcare Resource and Referral Unit, Centre for Urban and Community Studies, University of Toronto, 455 Spadina Avenue, Room 305, Toronto, ON, M5S 2G8; or visit www.childcarecanada.org

For more information on children with special needs and how to include them in your child care program contact SpecialLink, PO Box 775, Sydney, NS, B1P 6G9, 1 800-840-LINK; or visit www.specialinkcanada.org

For suggestions on ways parents and caregivers can provide appropriate experiences for healthy brain development, see "The First Years Last Forever: The New Brain Research and Your Child's Healthy Development", available through the Canadian Institute for Child Health, 384 Bank Street, Suite 300, Ottawa, ON, K2P 1Y4; or visit www.cich.ca

For more information on designing and creating play environments for children, see Making Space for Children: Re-thinking and Re-creating Children's Play Environments published by the Society for Children and Youth of British Columbia, 1409 Sperlberg Avenue, Burnaby, V5B 4J8; or visit www.scyofbc.org

For more information on child care issues, contact the Canadian Child Care Federation, 383 Parkdale Ave, Suite 201, Ottawa, ON, K1Y 4R4. Phone 1 800- 858-1412; or visit www.cfc-efc.ca/cccf

freely in cultural life and the arts (*Article 31*). Both structured and unstructured play and recreation can be important for intellectual development, particularly for young children. Researchers have found strong relationships between play, especially imaginative play, and the development of reasoning and language skills. Play allows young children to develop skills in creativity, flexibility, role-taking, organizing, building, exploring and using their body to learn about the environment. Recreation can also be important for social development. For both younger children and adolescents, peer group interactions offer the chance to develop social skills by communicating, sharing, role-taking and cooperating.

Child care also provides opportunities for rights education. Child care programs can help promote tolerance and respect for human rights (*Article 29*). Participation in cultural activities (*Article 31*) is a way to promote acceptance of cultural diversity among children. Teaching children about their rights under the CRC encourages the early development of tolerance and respect.

Does child care provide for children's health?

Article 3 states that a primary consideration in all actions concerning children is the best interests of the child. Child care programs developed within this framework provide quality care and have a positive effect on children's health development. Components of such programs include low child-caregiver ratios, trained caregivers, caregiver stability, safe environments, and age-appropriate stimulation and expectations. Caregivers are warm and responsive, and provide guidance through establishing age-appropriate demands and limits. Environments are safe, clean and healthy, and offer age-appropriate play materials and equipment.

The quality of children's interactions with parents and the quality of care children receive at home also affect their child care experience. Research demonstrates that high quality care helps to buffer children against a disadvantaged home environment and can provide benefits for more advantaged children. Children who experience long periods of time in poor quality care and whose family circumstances are difficult tend to be the most negatively affected by attending child care. Equally important, when parents are dissatisfied with their employment status – if parents who wish to work must stay home, or if parents who wish to stay home must continue working – the care of the child at home is jeopardized. *Article 3* suggests that the child's best interests are served when parents have options both for high quality child care and for adequate parental leave.



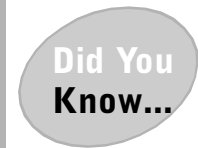
Some people in Canada are opposed to government funds for a child care program. Some childless couples (or couples with children who do not use child care services) feel that it is unfair for them to be forced to pay taxes to provide a service they will never use.

Do you think a a universally accessible and publicly funded child care program is an appropriate solution for Canada?

What rights under the CRC would such a program provide for children?

Are there benefits to society as a whole of implementing children's rights in this way?

What should this program consist of – should it be similar to current child care programs, or should there be additional services offered?



Research shows that children's well-being and development suffer when they have poor quality care, and even an advantaged family background can't protect them.

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Children's Rights Quiz

Test your knowledge of the CRC! Read each of the following statements and decide if you think they are true or false. Then turn to page 28 to see how you did!

1. Almost all countries in the world ratified the CRC in the 1990s.
2. The CRC gives children the right to express and have their opinions heard regarding decisions that affect them.
3. When children are in foster care, the CRC requires that all aspects of their placement be reviewed regularly.
4. The CRC indicates that young people should not have to take jobs that leave little time for social activities.
5. The CRC defines children as all persons up to age 16.
6. The CRC requires the provinces to take measures to encourage school attendance and reduce drop-out rates.
7. The CRC is silent on the issue of protecting children from the illicit use of narcotics.
8. Under the CRC, Canada should provide special protection and assistance to children who are seeking refugee status, regardless of their parents' situation.
9. Under the CRC, children who are sick have the right to participate in decisions about their treatment.
10. The CRC says that school discipline should be consistent with the child's dignity.
11. The CRC upholds the family as the fundamental group of society.
12. The CRC is silent on the issue of privacy for children.
13. The CRC does not address the issue of whether a child has rights prior to birth.
14. The CRC allows for traditional practices that may compromise the health of the child, if the practices are an integral part of the family's cultural heritage.

15. Upon ratification, the CRC became part of Canadian law.
16. The CRC says that governments should take measures to ensure there is child care available to those who need it, as long as they are eligible for it.
17. The CRC requires that the Canadian government provide some international assistance.
18. The CRC recognizes the right of the child to have a voice in community decision-making affecting youth.
19. Implementation of the CRC in Canada is the sole responsibility of the federal government.
20. Under the CRC, it is parents, not governments, who are charged with providing an adequate standard of living for their children.
21. The CRC says that in custody disputes, children have the right to have their views heard and taken into account.
22. Under the CRC, Canadian governments should take measures to ensure that children have access to information that promotes their health and well-being.
23. The CRC does not address the issue of religious freedoms for children.
24. The CRC fails to provide for the due process of young offenders.
25. The CRC says that its principles must be made known to those working with children, although not necessarily to children themselves.
26. Under the CRC, custody of juvenile offenders is to be used only as a last resort.
27. The CRC addresses child prostitution, but is silent on the use of children in pornography.
28. Under the CRC, children have the right to be protected from all forms of physical and mental violence.
29. The CRC requires that children who have experienced any form of abuse, neglect, or exploitation be provided with rehabilitative care.

30. The CRC requires that First Nations or minority children be provided with opportunities to practice their own culture but not necessarily their own language.
31. Under the CRC, children have the right to access information via the internet, subject to parental guidance.
32. The CRC does not address the issue of discrimination against children.
33. Under the CRC, children have the right to have their voices heard in the determination of school rules such as dress codes.
34. The CRC recognizes the right of the child to play and leisure.
35. The CRC has been used by the court as an interpretive guide in legal cases.
36. Under the CRC, children with disabilities have the right to education that helps them achieve self-reliance.
37. The CRC obligates Canadian governments to not only provide health care for pregnant women, but also to teach them the advantages of breastfeeding.
38. The CRC recognizes the right of children who are removed from their biological parents to have input into decisions about their placements.
39. The CRC pits children's rights against parental rights.
40. One problem with the CRC is that it does not take into account the evolving capacities of children.

Now turn the page to find out how you did!



Answers

1. True – According to the Office of the United Nations High Commissioner for Human Rights, 191 countries had ratified the CRC by 1997. This means that the CRC has been ratified by all but two countries — the United States of America and Somalia.
2. True – Article 12 states that children who are capable of forming their own views have the right to express those views freely in all matters that affect them. The views of the child are to be given due weight in accordance with the age and maturity of the child.
3. True – Article 25 recognizes the right of any child who has been placed by authorities for purposes of care or protection to a periodic review of their treatment or placement.
4. True – Under the CRC, children are permitted to work. However, Article 32 recognizes the right of the child to be protected from any work that will be harmful to the child's physical, mental, spiritual, moral, and social development, and work that does not leave time for social activities will hamper many aspects of the child's development. In addition, such work is a violation of the child's right to rest, leisure, play, and recreational activities, which is articulated in Article 31.
5. False – Article 1 defines children as every human being below the age of eighteen years, unless domestic law says otherwise.
6. True – Article 28.1(e) says that countries shall take measures to encourage regular attendance at schools and the reduction of drop-out rates. Because education in Canada is under provincial jurisdiction and the provinces have ratified the Convention, this responsibility becomes a provincial one.
7. False – In fact, the CRC has an article that specifically addresses this issue. Article 33 states that countries must take all appropriate measures to protect children from the illicit use of narcotic drugs and psychotropic substances, and to prevent the use of children in the illicit production and trafficking of such substances.
8. True – Under Article 22.1, any child who is a refugee or is seeking refugee status must receive appropriate protection and humanitarian assistance, whether unaccompanied or accompanied by his or her parents or by any other person. In addition, Article 2 obligates countries to ensure the rights of children without discrimination, including discrimination based on the status of the child's parents.

9. True – As with question 2, Article 12 states that children who are capable of forming their own views have the right to express those views freely in all matters that affect them, which would include treatment decisions.

10. True – Under Article 22.2 school discipline must be administered in a manner consistent with the child's human dignity and in conformity with the CRC.

11. True – The CRC clearly recognizes the importance of the family. The fifth and sixth paragraphs of the preamble state that the family is the fundamental group of society and the natural environment for the growth and well-being of children, and that the child should grow up in a family environment. Articles 3.2, 5, and 14.2 recognize the rights and duties of parents or legal guardians to protect children and guide children in the exercise of their rights. Article 9 protects children from separation from their parents, unless such separation is in the child's best interests, and outlines necessary procedures to allow the child to maintain contact with his or her parents in the event of such separation. Finally, Article 18 articulates the importance of both parents having common responsibilities for the child's upbringing, and that parents or legal guardians have the primary responsibility for the development of the child.

12. False – Article 16 specifically recognizes a child's right to privacy, stating that no child shall be subjected to arbitrary or unlawful interference with his or her privacy.

13. True – There is some mention in the CRC of the prenatal environment. The ninth paragraph of the preamble states that the child needs special safeguards and care before as well as after birth, and Article 24.2(d) obligates countries to ensure appropriate prenatal health care for mothers.

14. False – Although the CRC does stress the importance of culture, Article 24.3 requires States Parties to take effective and appropriate measures toward abolishing traditional practices that are detrimental to the health of children.

15. False – The CRC is a document of international law, but it does not automatically become part of Canadian law upon ratification. However, Article 4 obligates States Parties to undertake all appropriate legislative, administrative and other measures for the implementation of the CRC.

16. True – Article 18.3 says that countries shall take all appropriate measures to ensure that children of working parents have the right to benefit from child care services and facilities for which they are eligible.

17. True – The CRC promotes international assistance and co-operation in numerous areas. Under Article 4, with regard to economic, social, and cultural rights, States Parties are to undertake implementation measures within the framework of international cooperation. In addition, international cooperation is encouraged in areas such as provision of health care (Article 24.4); elimination of illiteracy (Article 28.3); protection of children from abduction and trafficking (Article 35); exchange of information, particularly concerning preventative health care and the care of disabled children (Article 23.4); protection of children from sexual abuse and exploitation (Article 34); and protection and care of children affected by armed conflict (Article 38.4).

18. True – Article 12 states that children who are capable of forming their own views have the right to express those views freely in all matters that affect them, which would include many community decisions.

19. False – It is clear that Canada's federal government plays a major role in implementing the CRC. For example through providing funding to the provinces/territories, through research on child development and children's rights, and through promoting the CRC. Nonetheless, many of the areas addressed by the CRC fall under provincial or territorial jurisdiction. Implementation, then, is a joint responsibility of both levels of government.

20. False – In Articles 3.2, 18.1, and 27.2 the responsibility of parents to provide an adequate standard of living for their children is recognized. However, the CRC also recognizes that parents may need assistance to provide for their children's needs. Article 18.2 obligates countries to provide assistance to parents and legal guardians in the performance of the child-rearing responsibilities, and Article 27.3 specifies that this assistance should come in the form of material assistance and support programs, particularly with regard to nutrition, clothing and housing.

21. True – Article 12 states that children who are capable of forming their own views have the right to express those views freely in all matters that affect them, which would include custody decisions. Article 12.2 also makes specific mention of the child having the opportunity to be heard particularly in judicial and administrative procedures.

22. True – Article 13 articulates the child's basic right to freedom of expression, which includes the freedom to seek, receive, and impart information and ideas of all kinds. In addition, Article 17 and Article 24.2(e) also make specific mention of the child's right to access information aimed at the promotion of social, spiritual and moral well-being and physical and mental health, particularly concerning topics such as child health and nutrition, hygiene, and the prevention of accidents (injuries).

23. False – Under Article 14.1, the child has the right to freedom of thought, conscience, and religion. However, as stated by Article 14.2, parents and legal guardians should provide direction to the child in the exercise of this right, and this should be done in a manner consistent with the child's evolving capacities.

24. False – Articles 37 and 40 address issues that would apply to children in contact with the law. In general, these articles state that all children have the right to be treated with humanity and respect, and to be protected from all forms of torture, capital punishment, life imprisonment, and arbitrary or unlawful deprivation of liberty. Also, all children accused of crimes have the right to be informed promptly of the charges, to receive legal assistance, and to be presumed innocent until proven guilty in a prompt and fair trial.

25. False – Article 42 states that the principles and provisions of the CRC are to be made widely known, by appropriate and active means, to adults and children alike.

26. True – Article 37(b) states that the arrest, detention or imprisonment of a child should be used only as a measure of last resort and for the shortest appropriate period of time.

27. False – Article 34 obligates States Parties to take all appropriate measures to prevent the use of children in pornographic performances and materials, and to protect children from other forms of sexual abuse.

28. True – Under Article 19.1, States Parties must take all appropriate legislative, administrative, social and educational measures to protect children from all forms of physical or mental violence.

29. True – Article 39 obligates States Parties to take appropriate measures to promote physical and psychological recovery and social reintegration of child victims in an environment that fosters the health, self-respect, and dignity of the child.

30. False – Article 30 states that children of ethnic, religious or linguistic minority and indigenous children have the right to use their own language, in addition to the right to enjoy their own culture, and to profess and practice their own religion.

31. True – Article 13 articulates the child’s general right to seek, receive, and impart information through any media of the child’s choice, and Article 17 obligates States Parties to ensure that the child has access to information and material from a diversity of sources. However, Article 17(e) encourages the development of appropriate guidelines to protect the child from information and material that will harm his or her well-being, and Article 5 articulates the parents’ responsibilities to provide the child with direction and guidance in exercising his or her rights, in accordance with the child’s evolving capacities.

32. False – Article 2 states that the rights in the CRC are to be provided for all children without discrimination and requires States Parties to take appropriate measures to protect the child against all forms of discrimination.

33. True – Article 12 states that children who are capable of forming their own views have the right to express those views freely in all matters that affect them, which would include school rules.

34. True – Article 31 recognizes children’s right to rest, leisure, play, recreational activities, cultural life, and the arts. Article 31.2 also asks States Parties to encourage the provision of appropriate and equal opportunities for such activities.

35. True – There has been increasing use of the CRC in both the Supreme Court and lower courts to interpret or supplement Canadian law.

36. True – Under Article 23.3, children with disabilities should have access to education, training, health care, rehabilitation, preparation for employment and recreation opportunities in a manner which allows the child to achieve social integration and individual development to the fullest extent possible. In addition, Article 23.1 recognizes the right of children with disabilities to enjoy a full life in conditions that promote self-reliance and facilitate the child’s active participation in the community.

37. True – Article 24.2(e) obligates States Parties to take all appropriate measures to ensure that all segments of society, in particular parents, are informed of and have access to education about the advantages of breastfeeding, and are supported in the use of breastfeeding.

38. True – Article 12 states that children who are capable of forming their own views have the right to express those views freely in all matters that affect them, which would include placement decisions. Article 12.2 also makes specific mention of the child having the opportunity to be heard in judicial and administrative procedures. In addition, Article 9.2 states that, when children are separated from their parents, all interested parties (which would include the child) should have the opportunity to participate in the proceedings and to have their views known.

39. False – Although the CRC focuses on the rights of children, it also recognizes the fundamental importance of the family to healthy child development and addresses the responsibilities of parents to provide for the rights and best interests of their children.

40. False – Article 5 articulates parents’ responsibilities to provide the child with direction and guidance in exercising his or her rights, in accordance with the child’s evolving capacities. Article 12.1 and Article 14.2 also reiterate this principle.

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