What is Non-Discrimination?

Children are expected to develop their own distinct identity, sense of uniqueness and individuality. They are also expected to increasingly separate themselves from their dependence on others and develop meaningful relationships with those outside their family. Unfortunately, children are often discriminated against which undermines their ability to enjoy their uniqueness and ability to develop meaningful relationships. These discriminations occur in all types of environments, including in the home, school, community and in society at large.

Article 2 in the Convention on the Rights of the Child (CRC) aims to protect the individual child and groups of children from any form of discrimination, irrespective of the child’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth, or other status. Being aware of your own prejudices and assumptions can help recognize areas of discrimination and eliminate any forms of it. Especially, as adults, we need to ensure that children live and grow in healthy and safe environments where they are not discriminated against.

Rights-Based Approach to Non-Discrimination

A rights-based approach means that all forms of discrimination must be prohibited, prevented and eliminated, and priority should be given to children in marginalized or vulnerable situations. Careful attention needs to be given to other fundamental principles of the CRC, such as the right to participate and the Best Interests of the Child, which helps to prevent discrimination. The first step is teaching and informing children of their rights and encouraging them to participate, which eliminates chances of children experiencing discrimination by giving them the tools and opportunities to advocate for themselves.

“The rights that we have right now as young people in Canada aren’t very prominent and I think that they go unnoticed, really. They should be brought out by youth by having meetings for those who are interested. Now I find that we do not have a say simply because we are seen as being immature and unreliable.” (CCRC Youth Consultation, September 24, 2011)

Differential versus Preferential Treatment

The right to non-discrimination does not necessarily mean that all children should be treated in the same way. Discrimination between different groups of children can lead to a biased and favourable treatment of some children at the expense of mistreating other children. As such, in some case, preferential treatment could be viewed as necessary in restoring the balance between the treatments of different groups of children and ensuring that they all have access to the same rights.
Gender Inequality and Discrimination: The differential treatment of boys can be an expression of gender discrimination in the family. A Pakistani girl once said, "When a boy leaves his job, the parents still support him, even if he is married and has children. However if a girl does not get married, she is considered a burden" (Plan International, Behind the Screen: An inside look at gender inequality in Asia, 24). Many women and girls in poor communities live in a situation where the combination of culture, feudal, and patriarchal norms make them totally dependent on male members of the family, community, tribal and kin groups. In these situations, girls are discriminated against based on their sex and are denied certain rights--such as their right to participate and be heard as an individual. In order to reverse these historical discriminatory practices and ensure that all children have access to the same rights, many initiatives around the world are giving preferential treatment to women and girls.

Issues of Discrimination

Age: Countries and organizations have become proactive to ensure that children are not discriminated against and are enjoying the same rights and protections as adults. For example, Australia enacted a comprehensive Age Discrimination Act in 2004. While the Act allows differential treatment of children in some circumstances, it states the importance of addressing discrimination based on age towards children. To ensure protection against discrimination, Australia has also implemented the Human Rights and Equal Opportunity Commission, which is responsible for promoting an understanding of the Act and ensuring its compliance, and policy and legislative development.

Disability: Discrimination and prejudice towards disability remains a long and constant fight. Throughout the world, many children facing various disabilities have experienced a wide array of discrimination. The discrimination experienced by children with disabilities makes it increasingly harder to find employment, gain access to education, healthcare, and financial credit.

“Disabled children... are essentially the same as other children – they have the same rights, the same needs and the same aspirations: it is the society and environment around them that treats them differently excludes them and discriminates against them. That’s why it is harder for disabled child to access the same rights as his or her non-disabled peer.”

(Plan International, I am a teenager, 67, 2004)

Canadian Dialogue on Discrimination

Aboriginal children in Canada living on reserves often do not have access to services that are mostly available to non-Aboriginal children across the country. This is a form of discrimination where Aboriginal children are disproportionally denied access to basic services that would contribute to their well-being.

The UN Committee on the Rights of the Child has several concerns for Aboriginal children in Canada. The Committee has strongly criticized Canada on its lack of progress in non-discrimination against Aboriginal children and youth, which is recognized in the significant over-representation of Aboriginal children in the child welfare system and the ongoing inequitable funding for child welfare services for Aboriginal children on reserves. (First Nations Child and Family Caring Society, The Rights of First Nations Children, 4, nd)

Non-Discrimination for all Children

The CRC protects children from discrimination and promotes their participation in restoring equality and ensuring that they have the same rights as everyone else. It is important that children have the right to be protected from discrimination at home, school, and within the community. Educating children and raising awareness of their rights, protects children from facing discrimination and encourages them to overcome the stereotypes and prejudices that exist today.

More information:
Visit the Canadian Coalition for the Rights of the Child website where additional supporting documents can be found: http://rightsofchildren.ca