

Statement by the Canadian Coalition for the Rights of Children

Take Children's Rights Seriously: A Challenge for Canada on the 20th Anniversary of the UN Convention on the Rights of the Child

On November 20, 2009, people around the world will mark the 20th Anniversary of the UN Convention on the Rights of the Child. It is a time to celebrate progress in respect for children as persons with human rights, dignity, and value in society.

On this occasion, the Canadian Coalition for the Rights of Children (CCRC) calls on the federal government to take children's rights seriously and implement the Convention in Canada. This would help to ensure fair treatment for all children in Canada.

The CCRC notes with concern that children's rights are by and large ignored in the development of national policies that affect them. "Canada would benefit from taking children's rights seriously at home as well as in developing countries," said Kathy Vandergrift, Chair of the CCRC. The following examples illustrate the basic principles of the Convention and the benefits of applying the Convention in Canada:

1. Ensure greater equity in Canada's national income support programs for children.

Under the current Universal Child Care Benefit program, some children in poor families receive less, after taxes, than children in wealthy families. And under the current Child Tax Credit, children in the poorest families receive no benefit compared to children in affluent families who receive \$300. The introduction of these policies happened at a time when 12.4% of children live in poverty, and the wealthiest 10% of households with children had ten times the level of resources as the poorest 10%. In addition, the child benefit program has become so complicated that many families do not know if they are being treated fairly or not.

This violates a basic principle of the Convention: no child should be treated unfairly.

The solution is a fair and understandable system of support for families that ensures all children have the opportunity for a good start in life, as well as a national poverty reduction strategy.

The CCRC proposes that specific targets be set to reduce child poverty each year, so that it is less than 5% by the 25th Anniversary of the Convention, and eliminated by 2020.

2. Put the best interests of children ahead of federal -provincial relations.

Many Aboriginal children fall through the cracks of federalism, because different levels of government do not coordinate the provision of basic public services for them. Two years ago, Parliament adopted *Jordan's Principle* to put children's needs first in resolving intergovernmental funding disputes, but it has still not been implemented in law or practice. *Jordan's Principle* would help to close the gap Aboriginal children experience in access to services provided to other children.

Jordan's Principle would put into practice a fundamental principle of the Convention: the best interests of children should be the top priority for governments at all levels and for all adults who care for children.

Other groups of children such as immigrant and refugee children, children in the justice system, and children in divorce-related custody disputes, also get caught between federal laws and provincial delivery systems. Their best interests should always come first.

The CCRC recommends that *Jordan's Principle* be implemented in law and practice across all provinces and territories, so no more children fall through the cracks.

3. No young person should need to become a ward of the state or go to prison to get help for special needs.

There are documented cases of children with disabilities and young people with serious mental health issues who only get specific services they need when they become wards of the state or fall through the cracks and get arrested as young offenders.

This illustrates a third principle of the Convention: the right to survival and optimal development of every young person's potential.

The CCRC recommends the following target for the 25th Anniversary: no child in Canada will need to become a ward or go into custody to get help for special needs.

4. Introduce accountability through regular reports, a Commissioner for Children at the national level, and a mechanism for complaints in Canada and at the UN.

Canada's Third Report on implementation of the Convention was due in January 2009. To date, it is not available and there has been no public discussion or input from young people, as required. Forty-five recommendations received during the second review in 2003 have been largely ignored. Attempts to access information have been rejected by the Continuing Committee of Officials for Human Rights, a group of federal and provincial officials who meet in secret to monitor how Canada respects the rights of children. The current system is totally unacceptable for a democratic nation in the 21st century.

This illustrates a fourth principle of the Convention: the right of young people to be heard in matters that affect them.

The CCRC recommends that Canada put the following basic foundations in place by the 25th Anniversary:

1. Make the Convention a part of Canadian law;
2. Establish a Children's Commissioner at the national level with a strong non-partisan mandate;
3. Regular, public reporting on the status of children that includes young people in the process; and
4. A fair process to review complaints in Canada and at the UN.

"The Convention is not a trophy to put on a shelf," said Kathy Vandergrift, Chair of the CCRC. "It is a tool to be used by citizens and governments at all levels. That's the change Canada needs to make between the 20th and 25th Anniversary."

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