National Child Day 2021 Speech
November 18, 2021

Hon. Landon Pearson, O.C.

In honour of this special day, let me start by acknowledging that we are located on the traditional and unceded territory of the Algonquin nation and we honour and respect the Algonquin people who are the guardians and caretakers of this land.

Now, welcome to all of you out there in cyberspace. Thanks to the magic of Zoom, we are able to come together this afternoon as we have over the last number of years to mark National Child Day. We are also launching the eighth volume of the Canadian Journal of Children's Rights. Virginia is here beside me in my home office and will speak about the latter while I will speak about the former. Hopefully, next year we will be able to gather in person as we have before to share hugs, ideas and tea and cookies. And perhaps it would be a good idea to move to a hybrid model so that those far away can still join us. And we will definitely have some young people with us to speak for themselves rather than have others, like ourselves, speak for them.

In the meantime, let me recount today some of my reflections related to the two significant anniversaries we are commemorating this year: Canada's ratification thirty years ago of the UNCRC and the tragic events that took place twenty years ago on September 11, 2001, that changed the trajectory for the global realization of children's rights in a significant way.

While growing old has its drawbacks, those of us who are still active have one important gift; the ability to look back and see patterns and trends that might not be visible to those who have not experienced what we have lived through. So, what I am offering today in honour of National Child Day is a bit of my personal history intertwined with the history of children's rights in Canada and, to some extent, around the world.

National Child Day, so designated in Canada by an Act of Parliament in 1993, is intended to focus the attention of Canadians on the adoption of the Convention on the Rights of the Child at the UN on November 20, 1989, and on what it means for us and for them to understand that children have rights and why children are so important for the present and future of our country. Not that having a framework for the promotion of children's rights was completely new in 1989. On the contrary, the first Declaration of the Rights of Children was adopted by the League of Nations in 1924 under pressure from the redoubtable Eglantyne Jebb, an Englishwoman who was so appalled by the suffering of child victims of the First World War that she founded "Save the Children." A second Declaration of Rights of the Rights of the Child was adopted in 1959 by the successor organization to the League, the United Nations. This Declaration was an expansion of The Universal Declaration of Human Rights adopted by the UN in 1948 under pressure from another redoubtable woman, Eleanor Roosevelt, to address the wrongs of the earlier part of the century culminating in the Second World War. It was designed to serve as a reminder that children also had human rights and that, in addition, they had some special ones as well due to their age and vulnerability.

Twenty years later, the United Nations collectively decided to see how the world's children were doing and designated 1979 as the International Year of the Child. Each member nation was asked to establish a National Commission to examine the situation of its own children and where necessary to recommend improvements. This is when I first became involved in the promotion of children's rights on a national scale. As vice-chair of the Canadian Commission and editor of our report "For Canada's Children," I managed to persuade my fellow commissioners that children themselves should be invited to share their realities and ideas with us because, after all, this was their year! We travelled across the country to listen to them, and it was a rich experience significantly informing our recommendations. At the same time, along with other national commissions who also operated within the framework of the Declaration on the Rights of the Child as we did we were frustrated by the Declaration's lack of teeth in spite of all its noble intentions! As a result the UN agreed to transform the Declaration into a Convention, an international human rights treaty with legal implications for all who ratified it and a built-in compliance mechanism. A working group of member nations (including Canada) helped by many international non-governmental organisations and led by Poland spent ten years in the drafting process and then, on November 20, 1989, shortly after the fall of the Berlin Wall it was submitted to the General Assembly of the UN where it was adopted by unanimity.

The CRC proved popular and was rapidly signed by the requisite number of countries so that it could come into force in time for the World Summit on Children which took place at the UN less than a year later. The World Summit was sparked by James Grant, who was then the president of UNICEF, and Canada was one of the six so-called initiating countries from every continent mandated to summon the leaders of the world! Our Prime Minister Brian Mulroney was named as co-chair and did a brilliant job welcoming the other leaders and heads of state he had helped persuade to attend. As the then chair of the CCCY (Canadian Council on Children and Youth), I accompanied to the Summit as members of the Canadian delegation a young person chosen by her peers, Sahira Piracha. Sahira did her best to rally the other young people from the UN school in New York who had been brought there to sing and then to hold the pen for their respective government representatives so that they could sign their nations' commitment to the advancement of children's rights. It was a tokenistic exercise in youth participation and neither Sahira nor I were pleased!

Canada signed the CRC in May, 1990 but becoming a party to a Convention in a federal state like Canada is a two-step process. Agreement has to be obtained from all the provinces and the territories because of our divided jurisdictions, and it took a little while to get it (although there was one outlier, Alberta, that took its own sweet time although it came on board later.) Finally, on December 13, 1991, in the Great Hall of Parliament ablaze with Christmas lights, Prime Minister Mulroney was able to sign the instrument of ratification. I was privileged to stand beside him as the children the CCCY had brought from every corner of the country stepped forward to witness his signature. The very same day, the House of Commons passed a unanimous resolution to end child poverty by the year 2000, the two events together providing a very auspicious beginning for a decade of progress on children's rights.

In Canada, Mr. Mulroney was as good as his word, establishing a Children's Bureau within the Ministry of Health and Welfare that was mandated in cooperation with the provinces and territories, to shape a national action plan called "Brighter Futures." Many new initiatives were funded under

this plan, programmes that continued after the government changed demonstrating that promoting the rights and well-being of children in Canada is not, nor should it ever be, a partisan effort. It is a national responsibility. After the election in 1994 the new Prime Minister Jean Chrétien called me to the Senate and I was specifically asked to represent the children of Canada and, over the next eleven years, that is what I tried to do, speaking in the Senate, turning to children for my ideas and reporting progress in a regular report entitled “Children on the Hill”.

The truth is the CRC was a galvanizer both at home and abroad. All during the 1990s the energy was palpable. Many non-governmental organizations concerned with children like the Canadian Child Care Federation and the Canadian Pediatric Society built the CRC into their mandates and others became actively involved in advocacy work. The Canadian Coalition for the Rights of the Child continued its work on a variety of projects, being funded, for example, to research issues for our first periodic report to the Committee on the Rights of the Child. And as part of my Senate responsibilities I was asked to sponsor legislation related to children: the new Youth Criminal Justice Act, for example, which embedded the CRC in its preamble and the amendment to the National Defence Act that enabled us to ratify the Optional Protocol to the CRC on child soldiers by prohibiting the deployment of anyone under the age of 18 into hostilities. I also co-chaired the Joint Parliamentary Committee on Child Custody and Access whose report “For the Sake of the Children” had to wait twenty years from the time it was delivered to Parliament in 1999 to be transformed into legislation. However, it was worth the wait. The new Divorce Act now truly respects the rights of the children involved in family break-ups. I also had the opportunity for a number of years to co-chair with MP John Godfrey the child caucus within the Liberal social policy caucus and year by year we were able to persuade Cabinet to adopt policies that protected children’s rights to economic and social security by extending parental leave, for example, and increasing the working income supplement. And all along, whenever I could, I persuaded my colleagues to listen to children.

The adoption of the CRC dramatically changed the landscape for children all over the world as well as in Canada. Issues of concern acquired new prominence and began to be seen in a different way once a child rights lens was adopted. There was also a growing understanding of how children’s rights were a global and not just a local issue. Child labour, child marriage, sexual exploitation of children, the unequal access of girls to education, children in armed conflict, all were now seen as abuses of children’s rights in urgent need of being addressed wherever they occur. This led to global efforts, mostly under the aegis of the UN, to examine these issues in depth and to find solutions, efforts that have constantly been bolstered by the work of the UN Committee on the Rights of the Child examining the periodic reports provided by States Parties and producing (and indeed, continuing to produce) substantive general comments recommending how countries can best implement their responsibilities.

As the wife of a former diplomat I have always been interested in international issues related to children. In 1995 I was pleased to join the Canadian delegation to the Fourth World Conference on Women representing the Senate with a mandate to listen to the girls which I did, and I applauded them when they spoke up and had their recommendations incorporated into the Beijing Platform for Action. Then in May, 1996 I had a letter from our Foreign Minister, Lloyd Axworthy asking me to become his Advisor on children’s rights. He started the letter by reminding me that children’s rights were a priority for the government as laid out in the recent Speech from the Throne. Then he asked

me “to advise him on children” issues in the foreign policy context, participate at upcoming multilateral events on children and advise him of the ramifications of our domestic policies for children on our international commitments, notably the Convention on the Rights of the Child.” And so I began to represent Canada at the major UN sponsored conferences that brought countries together to recommend how to redress the wrongs inflicted on children. In 1996, I went with a delegation to Stockholm to address the commercial sexual exploitation of children where Cherry Kingsley, a young Canadian who was the only experiential youth to speak out and have her voice heard, shook up those who thought they knew what they were talking about. After that conference, Minister Axworthy asked me to follow up on the recommendations that had come out of the First World Congress and their implications for Canada. I established an ad-hoc committee in the Senate comprised of parliamentarians, government officials, civil society organisations and experiential youth leading “Out From the Shadows,” a gathering of sexually exploited young people from the Americas. I co-chaired this gathering with Cherry in Victoria, BC in March 1998. The young people were amazing, and they removed forever the term “juvenile prostitute” from official international language. Before that in 1997 I went to Oslo to hear young people talk about the most dangerous forms of child labour and finally, I went to Winnipeg in 2000 to listen to a group of youth from countries involved in armed conflict recommend not only how to take children out of war but how to take war out of children.

All of this massive global effort on behalf of children led the UN to think it was time to assess the progress that had been made for children’s rights over the past decade and to create a forward-looking document to continue progress towards a world fit for children. And so a UN General Assembly Special Session on Children was scheduled for September 2001 to be attended by world leaders from every member state. P.M. Jean Chrétien, since Canada was, once again, designated as one of the initiating nations asked me to be his special representative to the preparations for this great event agreeing to support the presence of a number of young people under 18 on our team. He himself was planning to attend along with many other prime ministers and heads of state to elevate the importance of the work that needed to be done. The event itself was to take a week after the terrifying events of 9/11 and so, of course, it was postponed for a year. Energy drained away from the preparations as government priorities shifted to the war on terror and when the Special Session finally took place a year later, neither Mr. Chrétien nor several other leaders attended. It was as if the planes that brought down the twin towers had also split apart the global community and the collaborative efforts that had brought countries together to promote progress on children’s rights had begun to falter. A window that had opened wide with the end of the Cold War and the adoption of the CRC began to close. This was by no means the end of the story as I will relate in a moment, but it seems to me now that a new creative vision is required if humanity is to survive the twin challenges it confronts today, more pandemics and our disintegrating physical environment.

In a speech to the Senate on September 18, 2001 I said:

“This week, I was supposed to be in New York at the UN Special Session on Children. That meeting has been postponed, but not for long and its outcome document, “A World Fit for Children,” should provide us with some excellent guidelines for the future that will reset the moral compass for children. Since last week acting on behalf of children has become more important than ever for only when the world is fit for children will terror be finally vanquished.”

When the Special Session finally took place a year later in New York it was in a slightly reduced format. While there were fewer heads of state and government present, there were more children. In fact, the halls of the UN were filled with children. 132 countries had emulated Sweden and ourselves and brought children on their delegations and they were everywhere, speaking, as they say, truth to power. I for one will never forget the two young girls who stood at the UN podium on the very last day and who not only reiterated that “A world fit for children is a world fit for everyone” but also stated firmly with the agreement of their peers “we are not the problem; we are the solution.”

Returning to Ottawa, I was charged with creating our own National Plan of Action along with government officials, civil society and children which we called “A Canada Fit for Children.” In 2004 it was adopted by Cabinet as government policy, and I delivered a copy to New York along with the representative from Quebec (which had insisted on preparing its own plan) and then we launched it in the Senate Foyer accompanied by some of the young people who had been with us all along. Ten years later, in 2015 after I had left the Senate and moved to Carleton, a young student, Lindsey Li and I put together an update entitled “Identity and Belonging” which addressed some emerging issues for children and young people not fully addressed by the CRC such as gender fluidity. Needless to say, this was not adopted by the government of the time but was, I felt, worth doing. And I hereby commit to another review in 2025!

Meanwhile, the UN continued its concern with children’s rights building them into the Sustainable Development Goals as well as mandating a special study on Violence Against Children by Dr. Paolo Pinheiro who concluded, after discovering how widespread it is all around the world “No violence against children is permissible and all violence against children is preventable”. Alas, the Canadian government had not yet got this message as we still sanction in our criminal code the corporal punishment of children between two years of age and eleven! Sixty-three countries have now banned it completely.

Before I retired from the Senate in 2005, I had one more kick at the can, so to speak. As the vice-chair of the Senate Standing Committee on Human Rights, I took part in a study tracking the implementation of the CRC in Canada entitled variously “Who’s in Charge Here?” and “Children: The Silenced Citizens” which, I am glad to say, actually consulted with many of them. Then, because I was determined to continue my work to promote the rights of children, I moved, at the university’s invitation, with all my books and papers to Carleton University to establish there a permanent Centre for the Study of Childhood and Children’s Rights. Many others, individuals and organizations alike, continue to be active as well. The international development organizations such as Save the Children, Plan International, UNICEF, War Child and the Dallaire Centre for Children, Peace and Security, as well as domestic ones such as the CCRC, Wisdom2Action, Children First and many others. But children’s rights have vanished from the political rhetoric. Even when policies are developed that really benefit children and respond to their rights such as the child tax credit and support for universal childcare, they are cast as economic issues rather than child rights ones. And it is clear that the ongoing pandemic has not been kind to children. However, there is one really encouraging trend in Canada that carries positive news with respect to Indigenous children who have undergone so much suffering at the hands of, well, all of us; the growing awareness in the general public of how badly we have abused their rights and there is now

mounting pressure for the government to recognize our collective responsibility and respond. Without the efforts of another redoubtable woman, Cindy Blackstock, I don't think we would be where we are today. This is why we have dedicated National Child Day this year to the memory of all of those little children whose rights were denied, childhoods stolen, and lives lost in the Indian residential schools.

Conclusion

So where are we now with respect to the realization of children's rights in Canada on this National Child Day in 2021? Is the Convention still relevant? I would say yes because in my view, it is a living document more than capable of framing effective responses to the threats to the realization of children's rights that now confront young people all over the world. I discern three major factors shaping their lives at the moment. The first is the explosion of digital technology and the virtual universe it is creating. The second is the implosion of the actual world under the challenges of climate change and human activity. Neither of these factors was recognized by the Convention although I believe that its principles remain valid for helping us to think through them. The third factor is the significant expansion of scientific knowledge about brain development and the importance of early childhood care and nurture. Protecting children from adverse childhood events and their long-lasting toxic impact is an imperative for us all. There is, however, one trend today that gives me a good deal of hope: the growth of youth activism inspired by Article 12 of the Convention; the right to be heard. Whether it is the young people skipping school to march for the climate or little children all over the country following Spirit Bear to protest the injustices inflicted on Indigenous children, the tide is rising. What is needed now is for children to take charge of social media and find their way, with our help, into the corridors of power because their creativity and imagination are vital to ensure that there will still be a viable world for my just born great-granddaughter Emma to live in when she reaches my age in 2112.

Ottawa, Ontario