You have had a long career as children’s rights advocate. You were once described as the ‘children’s senator’. How do you trace back your interest in children’s rights?

Many people come to human rights advocacy from an experience of oppression. I come from the other direction. I was brought up in a loving middle class family where I was given a lot of choice and encouraged to make decisions about where I was going. I also brought with me into adulthood that natural sense of fairness that I think most children are born with. I remember being sensitive to injustice from a very early age. Just because you have never personally experienced injustice, doesn’t mean that you can’t see it. In fact you may see it even more clearly than you would if you were burdened by trauma and oppression. I had a good education and as soon as I graduated from university I got married, as so many of my classmates did, and then
promptly had five children, four girls and a boy. I learned a lot from my own children and brought them up, I think, with that same fundamental sense of fairness that I, myself, cherish. To my mind, fairness implies respect and all children need to grow up in a culture of respect if they are going to thrive. This is what the United Nations Convention on the Rights of the Child is all about; creating a culture of respect for all members of the human family with special attention to those under the age of eighteen.

My husband was in the Canadian Foreign Service and we were posted first to France and then to Mexico but it was really only when we arrived in India that I began to see the impact of deprivation, of poverty. In New Delhi I got involved with a project involving the children of construction workers, called Mobile Crèches for Working Mothers’ Children. Because these were nomadic construction workers, mostly from Western India, who would move from construction site to construction site, it was very difficult for them to get either health care or education for their children, let alone themselves. There was a crèche on the construction site of the new Canadian High Commission and I would go out almost every morning to spend an hour or so playing games with the children as well as consult with the people running the organization. It was challenging and interesting and I felt I was being useful but I wasn’t approaching what I was involved in from a rights perspective. I could see their needs, not their rights. Still, I saw that these children, who had just as much potential as most other children I had known, would never have the same opportunity to flourish because they and their parents were living in poverty. When I came back to Canada and was named to the Canadian Commission for the International Year of the Child (1979) I finally completed the shift, initiated during my experience in India and informed by my sense of fairness, from charity to justice.


The International Year of the Child was the real springboard for the creation of the Convention. All the Commissions around the world recognized that the Declaration of the Rights of the Child from 1959 was inadequate. It was a nice statement of ideals but it had no teeth. During that period I was interacting quite a lot with UNICEF in New York so I was happy when,
at the initiative of Poland, the UN agreed to establish a working group of 40 countries to draft a convention on the rights of the child that would be justiciable. The working group was led by a Polish diplomat named Adam Lopatka in the spirit of Janusz Korczak who was the remarkable Polish pediatrician who believed in the power of children, and their autonomy and authority and went with the orphans under his charge to be gassed in Treblinka by the Nazis because he wouldn’t abandon them. Canada took a strong lead in negotiating the Convention helped by the civil society organizations that had been energized by the International Year of the Child. It took UNICEF quite a while actually to get it because UNICEF at that time was headed by James Grant who had made such a priority of child survival that he did not always pay adequate attention to what happened afterwards. Of course UNICEF eventually came on side but not as quickly as many of the child-focused NGOs.

Although the negotiations took time, many people were surprised that the Convention was ready as quickly for ratification as it was because it had taken longer for other human rights conventions to be adopted. I think that speaks to the political context at the time, because we were coming to the end of the Cold War and during the Cold War you had the two packages of rights. That’s why you had the two separate covenants—the instrument of the west was called civil and political rights, whereas for the communist east it was economic and social and cultural rights that came first. Those two covenants had to be separate because it would have been impossible for the countries in the different spheres of influence to sign on to them together. It’s significant that the Convention was adopted within weeks of the fall of the Berlin Wall. So, it was very much a product of this time. When the Convention was adopted I think it marked the beginning of a period when human rights in general, and children’s rights and women’s rights in particular, took on new energy. During the 1990s, there were many UN sponsored conferences that took place devoted to human rights. A window opened. Post Cold War, people all over the world had time to consider human rights in a more complex holistic manner. Then came 9/11 and the window began, alas, to close.

During my years in India, I was made aware of the challenge of the children living in poverty. The reason I didn’t think of this situation in rights language is that I didn’t have a framework to put my thoughts and feelings into. This was about to change. One of the major international activities that marked the period from the time the Convention was adopted in 1989 until the UN Special Session on Children in 2002 was the elaboration of rights-based language to
describe virtually every issue related to children. I was privileged to participate in several UN sponsored conferences and gatherings that took place during that time during which “agreed upon” (as we called it) language was being negotiated among all the nations of the world. I was a delegate to the First World Summit on Children in 1990, the Fourth World Conference on Women in Beijing in 1995, the first World Congress on the Commercial Sexual Exploitation of Children in Stockholm in 1996, the International Conference on Child Labour in Oslo, 1997, the Winnipeg Conference on War-Affected Children in 2000 and, as the personal representative of Prime Minister Jean Chretien to all the meetings related to the Special Session on Children. At these meetings, I could first observe and later actively engage in the negotiations. It was a remarkable procedure, this gradual evolution of consensual language that put flesh on the Convention and provided an increasingly satisfactory framework for the emotions of people outraged by the injustices inflicted on children everywhere as well as ideas of what they could do that would be respectful of everyone’s rights. Reflecting on this collective crafting of language puts me in mind of the King James Bible which was the product of a committee of clerics who rewrote the existing English translation so that it would be both beautiful and more accessible to the common reader. I wouldn’t pretend that the Convention is beautiful but, thanks to the multiple voices that have gone into it, is extraordinarily rich.

This year, as we approach the 25th anniversary of the Convention, what are some of the reasons to celebrate—some of the changes in children’s lives that have occurred globally during this period and to which the Convention has, directly or indirectly, contributed?

I wouldn’t like to prioritize any particular one but I am prepared to propose a short list of issues of real concern to children where I think there has been positive change thanks to the Convention. There is no doubt, for example, that the Convention raised awareness around child labour and the rights-based discourse that ensued nuanced the way the issue is now seen. When people first started talking about child labour as a rights abuse, then it was like all labour is bad and children should not have to work at all. Now there is a more profound understanding about what work represents in a child’s life and the ways in which it can be adapted so that it is constructive rather than exploitative. You still have little children doing dangerous work in many parts of the world but the measures to stop it are growing.
The CRC’s impact on another issue has also been powerful. This is the recognition, thanks to the Convention, that sex with a child is child abuse. The language around that has changed so that young people exploited in the sex trade are no longer referred to as “juvenile prostitutes”. Other factors, alas, maintain the demand side, and poverty ensures an ongoing supply, but the situation would be worse without the awareness that the Convention and other human rights instruments have raised. I have also seen a positive impact on youth justice systems. I am concerned that, at the moment, we seem to have stalled on rights-based changes in Canada but the United States, ironically, is going forward. Influential decision-makers there are saying that putting kids in jail is not the answer to the problems that are being created by young people in trouble with the law.

Another area being looked at in new ways since the advent of the Convention is violence against children. We would not have had a world study on violence against children sponsored by the UN without the Convention as a driver and there has been a significant shift away from its acceptability on all continents. There now are 35 countries that have actually legislated against corporal punishment. That would have been unthinkable 25 years ago. War-affected children are also regarded differently since the Convention and the activism it has generated. There are resolutions in the Security Council that now hold offending countries up to international scrutiny and require states to consider children in peace processes. While adolescents continue to be engaged in armed conflict for a variety of reasons including force and children are, tragically, killed by attacking forces, there is a growing awareness that such activities may (and indeed are) “crimes against humanity” for which people may be held accountable.

The Convention has clearly driven improvements in child health. There has been a reduction in neo-natal mortality as well as in maternal mortality. A rights-based perspective demands the latter so that there will be someone to look after the children who are no longer dying. Gender discrimination in education is also being seen as a rights issue so girls are very slowly beginning to rise to the level of education of boys in a number of countries. The Convention has also had a positive impact on children with disabilities. It required an extra effort to insert children into the Convention on the Rights of Persons with Disabilities but the existence of the Convention on the Rights of the Child ensured that that would happen. I am sure I could add to this list but that’s enough for now!
Canada ratified the Convention early on. How do you describe the difference between the world(s) of children in Canada before and after 1991?

That’s a good question. In the study that Tara Collins and I did four or five years ago on the implementation of the General Measures of the Convention, we found that, to a great extent, the slow progress we noted was due to the lack of political will. During the years I was in the Senate, I was able to act as a catalyst. Having been officially designated as advisor on children’s rights to the Minister of Foreign Affairs (four of them, actually) I could promote the inclusion of children’s rights in the Liberal Government’s foreign policy statement as well as in at least one Speech from the Throne. I was also the co-chair of the sub-committee of the Liberal Party’s social policy caucus, aka the ‘children’s caucus’. Among other achievements, we were able to persuade the government to extend parental leave, to augment the child tax benefit and commit to a national child care policy, all areas of federal responsibility. At that time there was a Junior Minister for Children and Youth as well as, after the World Summit on Children, a Children’s Bureau in Health and Welfare. These were focal points for child and youth issues under both Conservative and Liberal administrations, but these have since vanished. There is no political actor currently responsible for children at the federal level. There is considerable activity at the provincial level, ministers, ministerial committees and so on, but it is as if the current federal government doesn’t really consider children as citizens with rights that must be protected, promoted and fulfilled.

Hopefully this is a temporary situation. When there is political will and some leadership, you can make things happen. If there is no political will and no leadership, children are disposable. A number of the programs created after 1991 for children, the prenatal nutrition program, the community action program for children (CAPC), and Aboriginal Headstart, for example, still exist but federal government leadership on children’s issues has stalled and many of the other initiatives set in place by both Conservative and Liberal administrations after the World Summit have been rejigged or simply vanished. I believe that one of the problems is a continuing lack of awareness in the general public about children’s rights and without this awareness, voters are not going to push for changes in legislation so political leadership on the issue becomes even more important. When I was in the Senate, I was given the responsibility for every piece of legislation that directly affected children. I was on the Senate Standing Committee on Legal and Constitutional Affairs as well as the Standing Committee on Aboriginal Peoples.
On the youth criminal justice side, there were real advances over what had existed before the CRC. There were changes in the criminal code with respect to the protection of children from sexual exploitation as well as a new rights-based perspective in the Evidence Act with respect to the children as witnesses. I was also the co-chair of the Special Joint Parliamentary Committee on Child Custody and Access. Our report from that committee was entitled “For the Sake of the Children. All of these advances in federal legislation and policy came about because of the Convention and refer to it in their texts.

Both nationally and globally, the period from 1991 to 2001 was also marked by a deeper engagement of civil society in the promotion of children’s rights, an engagement I am happy to see deepens as the federal Government continues to withdraw from its leadership role. There are a greater number of coalitions who are partnering with one another; the International Child Protection Network of Canada, the Canadian Coalition for the Rights of Children, the Canadian Council of Provincial Child Advocates to name only a few. Unicef Canada is increasingly active in support of the Convention and a growing number of courses and programs such as the bilingual annual International Summer Course on the Rights of the Child at the University of Moncton are raising awareness as best they can. Philanthropic foundations are beginning to work more collectively too—some are looking at early childhood development, another grouping is working on children’s mental health. The withdrawal of major government support is not necessarily a bad thing as organizations are being forced to look at different models for funding their work. However, some of the smaller organizations are having a very difficult time because they may not have the capacity to fundraise and yet the smaller organizations are necessary if you want to have a healthy civil society.

To sum up, overall I see real improvements in the world of children in Canada since 1991 thanks to the Convention and the change in the discourse about children it has brought about. 9/11, however, marked a radical shift in federal government priorities away from the promotion of both children’s and women’s rights towards issues of financial and personal security. For the moment the ball is in the court of the provinces and territories, academia, and civil society.
If you could add another clause, paragraph, or section to the Convention, what would it say?

There are at least two issues that the Convention either ignored or under represented. The first is the role of social media in children’s lives. This is not surprising as twenty-five years ago it didn’t really exist. But now we have to ask ourselves how to protect children in cyberspace when the levers of control are so hard to find. Given the significance of the issues involved, there should be more in the CRC about it. Article 17 is primarily about the responsibility of the media understood as print, radio, television and movies but I think it should be developed in order to take into account these new phenomena and look at them from a rights based perspective. I organized one of my Shaking the Movers gatherings on the theme of children’s rights in the media and the main message from the youth was “Don’t try to control us but give us some help to navigate safely.” We should go back to them and ask: “if you are feeling unprotected in this environment, what would help you?” There was nothing in the Convention and there needs to be.

A second area I think was inadequately addressed at the time the CRC was drafted relates to the natural environment. Article 29 cites ‘ respect for the environment’ as one of the aims of education. There is also some reference in the text to the child’s right to a ‘safe environment’. However, I now see climate change as a major issue confronting the young. At one time, Canada was a signatory to the Kyoto protocol, an imperfect but forward-looking document. We have withdrawn from it so the challenge now is to infiltrate references to the environment into evolving agreements. Yet one wonders if the revision of the Convention, which is a big hassle, is the best way or the only way to articulate and operationalize international responses to these new issues affecting children? I personally think there should be a stand-alone international convention on electronic media rather than an addition to an existing convention. The General Comments that the UN Committee on the Rights of the Child formulates regularly, on the right to play, for example, which was very well done, is one route to go. There are also optional protocols to expand an article and although they take a long time to negotiate I think article 24 should be expanded to include greater emphasis on mental health. The most recent optional protocol provides a complaints mechanism. It has just come into force. But that’s not going to apply to Canada any time soon because Canada is not yet prepared to sign it and even when it does, a complaints mechanism attached to an international instrument only becomes operative when there is an issue that cannot be dealt with under domestic law. In Canada that would be
rare but my guess is that if and when we do ratify it, it will be an issue related to Aboriginal children that goes forward.

One of the rights in the Convention that you are very committed to is the right to participation, creating spaces for children to share their own views and to be treated as “experts in their own lives”. How can researchers have more meaningful relationships with young people and how can they better collaborate with and engage young people?

I consider that the relationships between researchers and the young people who have agreed to be involved in their research to be of primary importance because most of the issues we look at with respect to children and youth can be either exacerbated or improved by the quality of the interactions on a personal level. Every researcher has to have a mindset that automatically asks: “Have I consulted with the youth and given them the chance to comment on what I am doing?” And if, for some reason, it doesn’t seem possible at least you will have thought about it and are willing to admit that something is missing. I think it is a lot easier for practitioners to see this because they have the children right in front of them whereas researchers are not always with the children whose behaviours and reactions they are studying and often engage with them on their own rather than on the children’s terms. So, for researchers and practitioners, it is always a question of trying to put yourself in the place of the children with whom you are interacting. Are you doing it respectfully? Some researchers are not comfortable with marginalized people let alone marginalized children and youth and have no idea how to go about it. Empathy is very important. All researchers should develop their empathy. I personally think academics did damage to the study of human behaviour situations by pretending that researchers could be objective. There is no such thing as objectivity, but some biases are more upright than others. So, what you want to do is internalize the bias that compels you to say, “whatever I am doing is going to benefit the children more than it does me. If we can both benefit that is great. But, it is the best interests of the child that come first.”

Sometimes, if it is theoretical research, it is a lot harder to see what this requires but, at the very least, you should try to present your findings in language that is accessible. When you speak about children or with children, you should never use jargon. So, it should always be in language that a reasonable child could understand. I remember Jim Garbarino coming to Canada to present to Senators examining a bill on sexual abuse. In answer to a question about the
reliability of child witnesses he said, “You should never pose a question to a child that has more words in it than his or her age.” So, if she is three, you ask: “Was it red?” Such an approach really cuts down on the leading questions. Some Senators protested (I was there) “But you can’t trust children”. And he replied, “it’s not that you can’t trust children, it’s just that you are asking them in the wrong way. But if you keep it simple you will get the right answer, a reliable answer.”

So what researchers and practitioners always need to keep in mind are the four cross-guiding principles of the CRC: best interests, non-discrimination, survival and development, and especially, participation.

All of you researchers have access to students to whom you transmit what you are thinking and what you have learned from your colleagues. I see the role of academics concerned with children’s rights as an activist one as opposed to a purely theoretical one. It is very important to have academic collaboration around issues of children’s rights so that there can be some impact on the public dialogue as well as a shift in the current of ideas. Cultural shifts are very slow but they never happen unless some people are committed to making them happen. As long as there are enough people out there who will think about children and their rights in a constructive and respectful way then positive change will eventually occur.

You have been a tireless advocate for children and the Convention for several decades, always from a space of hope. What have you learned about leading for change to advance children’s rights that can be useful to advocates who are earlier in their careers?

The very first message I always give to young people is: “find your passion and work towards it.” Now, as an adolescent I am not sure that children’s rights were ever on my mind; it was mostly boys. But my life has offered opportunities starting with my marriage to a diplomat and going abroad. I think that any child advocate should have some direct experience of the rest of the world. One of the things that was important to shaping my life as an advocate was exposure to other cultures such as India and Mexico. You have to be jerked out of your normal mindset by living somewhere really different. I mean it’s like learning to walk. You can never go back and see the world in entirely the same way again. So, that’s one of the things I recommend for all child advocates because rights are universal and you have really got to understand children in other parts of the world and to apply the principles, this framework we talked about in the beginning, to what you are encountering. Authentic human connection around shared
experiences really helps. When I started working in India at Mobile Creches for Working Mothers’ Children, that instant connection between me as a mother of young children and another mother and her small child bonded us immediately. Language can be different, culture can be different, but there is some way in which human developmental experiences are similar everywhere and if you don’t see that and you keep yourself isolated, then you are never going to be a good advocate.

The second thing about being an advocate is that you have to be clear in your own mind about what it is that you think. You have to work at it. I mean the emotional base, the commitment, has to be there but the reading, the studying, the reflecting has to be continuous if you are going to be effective. I went on to obtain a Master’s degree in education after I came back from India and that process was very helpful for framing my understanding. And then I went to live in Russia, came back after three years and wrote a book about Russian and Soviet childhood that focused me a lot. You always have to take advantage of the opportunities as they come once you have decided to be an advocate; but you have to have patience. You also have to accept that it is only slowly that your reputation grows and without a reputation, who is going to listen to you? You can build a reputation by being consistent in the choices you make about what you get involved in. If you keep making choices that are close to your passion, then eventually one choice leads to another and you find that you have expertise, authority and if you live long enough and are mindful, wisdom!

One of the things I learned from my own children was that it is not up to you to decide what you want them to be. It is up to you to create the circumstances that enable them to be who they want to be. What you must have is the hope and the belief that every child has capacities and that your challenge, as an adult, is to encourage and enable those capacities. Society’s task is to ensure that children do not have burdens laid on them that they can’t manage. I am a fan of Vygotsky’s view of the zone of next development—that there is a developmental path that all children follow and your job as a caring adult is to provide the challenge that is just difficult enough that the child will rise to it and advance. It means you have to think constantly about your children because each one is different and the challenge that will defeat one child will just stimulate the next. I have seen a lot of advocates do harm because they have proffered knee-jerk, one-size-fits-all responses. That is why you need the rights perspective: it makes you think of the consequences of your actions. An authentic child rights impact assessment really means
considering a particular decision for a child or children at a particular time and long-term. That’s what the Convention demands.

The life of an advocate has an arc that starts when you are young and active in the field and then, as you get older, you become more of a mentor and finally, you become the holder of the tradition, so to speak. So there has to be a generosity of thought about what people are doing at any one time and recognition that there will be different roles at different times in an advocate’s life. The main thing is to remain engaged and believe that children and our collective future matter.