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CHANGING THE CANADIAN CULTURE TO MAKE CHILDREN’S RIGHTS MORE VISIBLE AND ACCESSIBLE TO CHILDREN AND YOUTH

THE ROLE OF EDUCATION IN DIMINISHING CHILD EXPLOITATION

A. Introduction

In Shaking the Movers BC, the participants formulated the recommendation that children’s rights need to be more visible and accessible to them. They shared experiences where adults whose care they were placed in violated their rights because they knew that these young people lacked knowledge of their rights.

Some of the suggestions related to:

- “We need to know our rights as Canadian citizens – Kids get in trouble, but they don’t know if what happened to them is okay.”
- “We need to simplify our rights”
- “Would like to learn more about rights in the education system”
- “Hard to read Canadian Charter of Rights and Freedoms, need to get the larger picture” – “All copies should be in child/youth friendly language.”

B. Need for rights-awareness among children and young people

We know that rights are of little use to people unless they are aware of them. Article 42 of the Convention on the Rights of the Child (Convention) provides that:

“States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.”

The Committee on the Rights of the Child has underscored the importance of this provision by identifying as one of the General Measures of Implementation of the Convention the principles of awareness-raising, training and education. In its General Comment No. 5 on the General Measures of Implementation of the Convention, it has provided the following insights:

“The Committee proposes that States should develop a comprehensive strategy for disseminating knowledge of the Convention throughout society. This should include information on those bodies – governmental and independent – involved
in implementation and monitoring and how to contact them. At the most basic level, the text of the Convention needs to be made widely available in all languages...UNICEF and NGO’s in many States have developed child-friendly versions of the Convention for children of various ages – a process the Committee welcomes and encourages; these should also inform children of sources of help and advice.”

C. Recommendations made in last alternative report by the Canadian Coalition for the Rights of Children

In the last alternative report of the Canadian Coalition for the Rights of Children (CCRC), called Right in principle, right in practice, a number of cogent recommendations were advanced to raise awareness of children’s rights in Canada. They can be broken down into first, developing a national communication campaign and sustaining a culture of respect for children’s rights; secondly, developing and maintaining educational curricula that cover the rights of children in Canada; and thirdly, developing and delivering a training program on children’s rights for key public officials and professional groups; I will identify each of these groupings of recommendations in turn and provide some commentary:

a) Developing a national communication campaign and sustaining a culture of respect for children’s rights

Here the CCRC Report advanced the following recommendation:

- Implement a national communication campaign to inform the public about children’s rights under international and domestic law and cultivate a culture of respect for the rights of children. Messages should engage children, parents, professionals, policymakers, religious and multicultural leaders, media, and other groups with influence in communities.

One of the unique challenges in Canada is that we are a vast country geographically and are positioned in a continent where our neighbour to the south has not yet ratified the Convention on the Rights of the Child. This is very different than the culture in Europe where there is a greater awareness and enthusiasm for children’s rights in the minds of academics, professionals, the general populace, and children themselves.

After twenty-five years, we can acknowledge the influence of the adoption of the Convention. However, to use a football metaphor, we haven’t yet hit pay-dirt and we still have a long journey ahead in creating a rights-respecting culture for our children in this country. This point hit home to me in November of 2014 when I travelled to Leiden in the Netherlands for an international conference dedicated to celebrating the 25th anniversary of the Convention. For one thing, I didn’t see any conferences of this scale taking place in North America. Secondly, when I arrived at the train station in Leiden, I saw an enormous banner over the roof of Central Station celebrating the 25th anniversary of the Convention – something I could only dream about in this country.
Thirdly, the Conference was hosted by the Law School at the University of Leiden where they not only have several child rights programs but a dedicated UNICEF Child Rights Chair who has written extensively in the area of child rights – again we have no counterpart in this country.

One thought I have had and am proposing to the Canadian Bar Association (CBA) and I have raised with the co-chair of the Federal Interdepartmental Working Group on Children’s Rights is a full-day symposium celebrating the 25th anniversary of Canada’s ratification of the *Convention on the Rights of the Child* (technically December 13th, 2016). The time would seem to be right with the change in the federal government, the recommendations of the Truth and Reconciliation Commission, the Canadian Human Rights Tribunal decision and the rolling out of the CBA digital toolkit on children’s rights.

b) Developing and maintaining educational curricula that cover the rights of children in Canada

On this topic, the CCRC Report advanced the following grouping of recommendations:

- Identify and compare how the curriculum in each jurisdiction teaches children about the Convention and children’s rights. Develop ways to progressively expand inclusion of children’s rights at various levels.

- Expand the development and use of curriculum resources on children’s rights as well as educational initiatives that integrate knowledge and exercise of children’s rights into curricula, policies, and practices in schools

- Ensure that all curricula cover the rights of children in Canada as well as issues relating to the rights of children in less developed countries

These recommendations were largely adopted by the Committee on the Rights of the Child in its 2012 Concluding Observations to Canada where it urged Canada “to expand the development and use of curriculum resources on children’s rights, especially through the State party’s extensive availability of free Internet and web access providers…”

One area that is ripe for curriculum development is the identification and expansion of youth friendly rights-based documents.

There are however, a number of youth-friendly documents already in existence that can be brought to the attention of children and young people. They are youth friendly posters and versions of the *Convention*; youth-friendly versions of the UN Committee on the Rights of the Child’s Concluding Observations to Canada (prepared by the Office of the Ontario Provincial Advocate for Children and Youth and UNICEF Canada) and youth friendly versions of the United Nations *Declaration on the Rights of Indigenous Peoples*. One of the challenges is disseminating information about the existence of these youth-friendly documents and providing advice as to how to use these materials in the most
Having said this, we should consider taking the next step to develop youth friendly versions of legislation that have significant impact upon the lives and well-being of children and youth, such as provincial/territorial child welfare, health care and education legislation. In the case of child welfare legislation, for example, it would be important to eliminate stigmatizing and demeaning terms that are drawn from criminal and mental health law and practice – such as 'apprehension', 'custody', 'runaway' and 'adoption probation.'.

c) Developing and delivering a training program on children’s rights for parliamentarians, government officials and professionals

Here the CCRC Report advanced the following recommendation:

- Develop a training program on children’s rights for parliamentarians, government officials, and professionals who serve children in health, social services, and the judicial system. The training should focus on the use of the Convention in legislation and public policy, program development, advocacy and decision-making processes.

Part of the problem in Canada is that the Convention is not well-publicized as a pivotal human rights treaty and training on the Convention for professionals, especially those working with or for children, is rare. While there are training courses on child rights and human rights for some professionals, they are often of a voluntary rather than obligatory nature. Social workers, lawyers and psychologists generally know very little about the principles set out in the Convention. In the case of the legal profession, while there is a great deal of legal education about the Canadian Charter of Rights and Freedoms, there is very little emphasis placed on the role of the Convention as an advocacy tool.

Now there are many progressive initiatives taking place in different pockets of this country, but there is still a good deal of fragmentation and a lack of information-sharing and coordination. UNICEF Canada has provided child rights training workshops across the country and more recently delivered workshops on the use of Child Rights Impact Assessments (CRIA). In this context, UNICEF Canada has provided technical advice and consultation regarding the development of CRIA tools and templates and supported CRIA implementation in a number of Canadian jurisdictions. The greatest use of CRIA at the provincial level has taken place in New Brunswick where it has been mandatory since February 23, 2013 to complete a CRIA and attach it to a Memorandum to Executive Council (MEC) whenever a proposed law, regulation or policy is being considered by Cabinet from any provincial government department. In Saskatchewan, a new CRIA tool has been developed with Indigenous adaptations and has been used to anchor both child welfare and adoption legislative reform. In Nova Scotia, a CRIA framework was developed, albeit in a summary manner, to support the first major child welfare legislative reform in 25 years.
D. CONCLUSION

The role of education in diminishing child exploitation and child maltreatment should not be underestimated. If children and youth understand that they have rights and can speak up when they feel unsafe or at risk of harm, they are more likely to seek assistance from parents, caregivers, extended family or community members, helping professionals, teachers, social workers and others in time to protect themselves and prevent serious episodes of exploitation, abuse or neglect.