



**resource** and  
**support programs**  
and the **United Nations Convention**  
on the **Rights of the Child**



**A guide for people who work for or with children and youth**

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### Design explanation !

The graphic shows the letter "i" emphasized in the words "rights of the child." The idea behind this is that the "i" is important in both; each individual right is important, as is the importance of each child entitled to these rights. The "i" also serves as a silhouette of a child. The explanation mark drives home the point that this is an important issue that needs our attention. The mock world that forms the period of the exclamation mark emphasizes that this is an important global issue, one we all have to work together for, and that applies to all the world's children.



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Dear Friend:

During the spring and summer of 2001, the Canadian Coalition for the Rights of Children (CCRC), with funding from Human Resources Development Canada, began a project to spread awareness of the United Nations Convention on the Rights of the Child (CRC). This booklet is one outcome of that project.

The first stage of our project involved assessing existing knowledge of the principles and provisions of the CRC among those who work with or on behalf of children. We contacted 1700 such people or organizations across Canada and found a real eagerness for more information. We developed a prototype information booklet, which was evaluated by representatives of various stakeholders at two one-day workshops held in Ottawa in June of 2001. Modifications to both style and content were made based on their recommendations and a further evaluation was conducted by a specialist in the field. Over the next four months, approximately 400 draft booklets were pilot tested by people in a variety of organizations. Their experiences and recommendations were taken into account when developing this booklet. We are extremely grateful to all the people who so generously gave of their time and expertise.

This booklet is one of seven that were developed to provide an overview of the CRC for people who work with and on behalf of children in the following areas:

- child care
- education
- health care
- justice
- protection
- recreation
- resource and support programs

For copies of these booklets, contact the CCRC or download them from the CCRC website. We hope that they will be a useful reference for you.

Our aim is, with your help, to improve the lives of children and in so doing to work together toward building a culture of peace.

Sincerely,

**Board of Directors 2002,  
Canadian Coalition for the Rights of Children**

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### What are children's rights?

Children's rights are described in the United Nations *Convention on the Rights of the Child* (CRC). The CRC describes three categories of rights.

- Rights of *provision*, for example, the right to adequate education and health care.
- Rights of *protection*, for example, the right to be protected from abuse and neglect.
- Rights of *participation*, for example, the right to be heard in matters affecting the child.

### What is the United Nations Convention on the Rights of the Child?

On November 20, 1989, the United Nations General Assembly unanimously adopted the *Convention on the Rights of the Child*, the most comprehensive treaty for the protection and support of children in existence today. It reaffirms the fact that children, due to their vulnerability, need special care and protection, defined in terms of rights. The CRC has been ratified by more countries than any other human rights treaty in history. Canada is one of 191 nations that have signed and ratified the CRC, demonstrating our government's commitment to recognize the fundamental human dignity of our children, and to ensure their well being and healthy development. (The USA and Somalia are the only 2 countries that have not ratified the CRC.)

### How does the CRC define a child?

The CRC defines a child as every person under the age of 18, unless under a particular law the age of majority is attained earlier.

To ratify means to approve and sanction formally. Canada ratified the CRC in 1991.

### Why do we need the CRC in Canada?

Overall, Canadian laws, policies and practices provide relatively well for children's rights. Nonetheless, many children in Canada live in poverty. Some Canadian children receive inadequate health care and experience poor nutrition, and some are abused or exploited. Also, a substantial number of Canada's refugee and immigrant population are children who are living with the long-term trauma of war or civil conflict. The CRC, then, is a valuable means of emphasizing the continuing need to protect children from conditions that compromise their healthy development, and to provide optimal conditions to ensure their well-being.

The CRC also articulates the need for meaningful participation of children in matters that affect them. Canadian children are given few opportunities for input in decisions that affect them in their families, schools and communities. The CRC encourages meaningful opportunities for youth participation and acknowledges the value of participation as a necessary part of healthy development.

### But we have a Charter over Rights in Canada; why do we need something more?

The *Canadian Charter of Rights and Freedoms*, as well as other international human rights treaties and provincial human rights legislation, applies to all adults and in many cases to children. However, these human rights documents and laws do not deal with the rights of children in a clear and systematic way. Nor do they recognize the unique developmental needs of children. The CRC is important as it clearly recognizes children as independent rights-bearing persons and focuses on the specific needs of children for healthy development.



For more information about the status of children's rights in Canada see:

Canada's NGO Report to the UN General Assembly Special Session on Children, [www.rightsofchildren.ca](http://www.rightsofchildren.ca)

How Does Canada Measure Up? [www.rightsofchildren.ca](http://www.rightsofchildren.ca)

Covell, K. & R. Brian Howe (2001). *The Challenge of Children's Rights for Canada*. Wilfrid Laurier University Press. ISBN: 0 88920 380 6

Convention on the Rights of the Child: Second Report of Canada. Canadian Heritage, 15 Eddy Street, Hull, Quebec, K1A 0M5; Phone (819) 997-0055

Online version of the United Nations Convention on the Rights of the Child, [www.unhchr.ch/html/menu3/b/k2crc.htm](http://www.unhchr.ch/html/menu3/b/k2crc.htm)

For a youth-friendly version, Say It Right! The Unconventional Canadian Youth Edition of the United Nations Convention on the Rights of the Child. Available through CCRC, c/o Canadian Institute of Child Health, Suite 300, 384 Bank Street, Ottawa, Ontario, K2P 1Y4.

## Does the CRC address responsibilities?

With rights come responsibilities. The CRC outlines the following responsibilities:

- *For governments:* to support families and communities, and to respect and provide for the rights of children through laws, policies and special programs.
- *For parents:* to provide for the rights and best interests of their children.
- *For society:* to respect the rights of children and to support programs that provide for children's rights.
- *For children:* to respect the rights of others. (Studies show that the more children know about their own rights, the more likely they are to respect the rights of others.)

## How is the CRC interpreted?

Four principles serve to guide interpretation of the CRC:

1. *The best interests principle.* The CRC requires that the best interests of the child be a primary consideration in all decisions that affect children (*Article 3*).
2. *Non-discrimination.* All children, regardless of their ethnocultural, socioeconomic, or health status must have their rights respected and be protected from any form of discrimination (*Article 2*).
3. *Life, survival and development.* Every child has the inherent right to life, survival and optimum development (*Article 6*).
4. *Participation.* Children must be given the opportunity to express their views and have those views considered in all matters that affect them, in accordance with their evolving capacities (*Articles 12, 13, 14 and 15*).

## What does the CRC mean for parents?

The CRC recognizes the fundamental importance of the family to healthy child development (*Preamble*, and *Articles 3, 5, 9, 14 and 18*).

## The CRC addresses children's participation. Does this mean we're supposed to let children make all of their own decisions?

No. *Article 12* requires that children be given meaningful and age-appropriate opportunities for participation in matters that affect them. However, this does not mean that children should be given absolute decision-making power. Under the CRC, parents and other adults have the responsibility to engage children as active and valued participants in all decisions that affect them, while providing them with advice and appropriate guidance. Adults can provide age-appropriate opportunities for decision-making by encouraging younger children to participate in everyday decisions (such as whether they would prefer milk or juice with their breakfast). As children mature, their capacity for autonomous decision-making increases and greater independence should be encouraged.

Age-appropriate opportunities for participation are essential to healthy child development. When adults are interested in children's thoughts and respect children's opinions, their self-esteem is affected in a positive manner. Also, when children are guided in making positive decisions, they learn skills necessary to become active and responsible members of society.

## Does the CRC require protection of children from abuse?

The CRC requires Canada to take all appropriate legislative, administrative, social and educational measures to protect children from all forms of abuse and neglect (*Articles 19, 32, 33, 34, 36 and 37*). The experience of abuse or neglect has a negative effect on children's physical, mental and emotional well-being which may persist over their lifespan. Recognizing the serious and persistent effects of such experiences, the CRC requires that any child who is a victim of abuse,



For more information about the effects of teaching children about their rights, see the following articles:

Covell, K. & Howe, R.B. (1999). The impact of children's rights education: A Canadian study. *International Journal of Children's Rights*, vol. 7, pp. 171-183.

Covell, K. & Howe, R.B. (2001). Moral education through the 3 Rs: Rights, respect, and responsibility. *Journal of Moral Education*, vol. 30 (1), pp. 31-42.

neglect, exploitation or torture be provided with treatment that will promote both physical and psychological recovery, and social reintegration (*Article 39*).

### **Are there any special protections for ethnic, religious and linguistic minority groups and for Aboriginal children?**

A fundamental principle of the CRC is non-discrimination (*Article 2*). The rights of each child are to be respected. However, there are also special provisions in the CRC for children who are members of indigenous or ethnocultural minority groups. Under *Article 30*, children belonging to any minority or indigenous group have the right to enjoy their own culture, practice their own religion, and use their own language. *Article 31* recognizes the right of children to participate freely in cultural life, and requires governments to encourage the provision of opportunities for participation in cultural activities.

The CRC also provides special protections for Aboriginal and minority children who must be removed from the family. When placing children in alternative care, all efforts should be made to place the child in a culturally similar home (*Article 20*). However, if a culturally appropriate placement is not available, alternative caregivers should guide and encourage children to continue to practice their own culture.

### **Does the CRC apply to Canadian law?**

Canada ratified the UN *Convention on the Rights of the Child* on December 13, 1991. However, upon ratification the articles contained within the CRC did not automatically become part of Canadian law. Ratification of the CRC requires Canada to review domestic laws and practices regarding children and to revise public policy and practice such that the minimum standards set by the CRC are reached over time.

As an international treaty, the CRC is a part of binding international human rights law. As such, Canadian courts have begun to consider the CRC when making decisions affecting children. In addition, Canadian organizations that work with or on behalf of children should use the CRC as a reference point when setting standards. The CRC can serve as an effective tool for child advocates in their work to improve the situation for children.

### **How has the CRC been used in Canada to defend the rights of children?**

The CRC has been used in a number of ways to defend and promote the rights of children in Canada.

- The CRC has been used as an educational tool. For example workshops have been held to inform teachers, child protection workers and police officers about the CRC and the importance of its implementation. Such workshops encourage respect for children’s rights, and remind adults of the unique developmental needs of children.
- The CRC has been used effectively as an advocacy tool. For example, child advocates were successful in getting the CRC included in the preamble to the new Youth Criminal Justice Act. This means that the CRC can and should be used by the courts and justice officials when interpreting the Act.
- Recently, the CRC has been used as an interpretive guide in court cases in both the Supreme Court and lower courts of Canada involving children and families. For example, several family court cases have used *Article 3* of the CRC to reinforce the “best interests of the child” standard already present in Canadian law. The CRC has been used in other cases to justify the definition of a youthful offender. Immigration cases have also cited the CRC to prevent the separation of children from their families.



See the following cases for more information on the use of the CRC in Canadian courts:

Young v. Young, [1993] 4 S.C. R. 3. R. v. L. (D.O.), [1993] 4 S.C.R. 419

Francis (Litigation guardian of v. Canada (Minister of Citizenship and Immigration),

- The CRC can be used by each of us to remind governments of their obligations and to encourage them to work towards compliance with the CRC, and to encourage the public to support their efforts.

### How is the CRC enforced?

Upon signing the CRC, the Canadian government was required to report its progress to the United Nations Committee on the Rights of the Child. The first report was due two years after ratification, and additional reports are due every five years (*Article 44*). Upon reviewing Canada's reports, the UN Committee makes recommendations for changes in policy and practice, which Canada is expected to consider and to report back on progress in the next report. However, no formal measures exist to enforce the CRC or the Committee's suggestions. The basic method of enforcement is through domestic and international pressure. Groups such as the CCRC support this work through monitoring and reporting on Canada's progress towards meeting these obligations under the CRC (*Article 45*).

### Did You Know...

Between 1989 and 1999, rates of child poverty (using the low-income cut-off) increased 43%. Children comprise only 26% of the Canadian population, but account for 40% of food bank users. Twelve percent of poor families live in substandard housing conditions, and are exposed to violence, crime and pollution. This places great stress on parents, which makes parenting difficult, underscoring the need for family resource programs.

### FYI

For more information on children with special needs and how to include them in your resource program:

- contact SpecialLink, P.O. Box 775, Sydney, NS, B1P 6G9, 1-800-840-LINK; or visit:

[www.speciallinkcanada.org](http://www.speciallinkcanada.org)

- see *Including Children with Special Needs: A Guide for Family Resource Programs*. The Macaulay Child Development Centre, 1674 Eglinton Ave. West, Third Floor, Toronto, ON, M6E 2H3. Phone: 416 789-7441.

### Does the CRC say anything about providing resource and support programs for families?

Not specifically. However, the CRC does require Canadian governments to take all measures necessary to implement the CRC (*Article 4*), to assist parents in the performance of their child-rearing responsibilities (*Article 4*), to establish institutions, facilities and services for the care of children (*Article 18*), and to establish social programs to provide support for children and their caregivers (*Article 19*). The CRC also directs governments to assist parents in providing children with an adequate standard of living, through material assistance and support programs, including nutrition, clothing, and housing (*Article 27*). One way Canadian governments have fulfilled this responsibility is by funding family resource and support programs and other organizations that provide a variety of resources for children and their families. Such resource providers help to advance many children's rights under the CRC, including the right to an adequate standard of living (*Article 27*), play and recreation (*Article 31*), child care services and protection from abuse and neglect (*Article 19*).



## Did You Know...

According to the 1999 National Longitudinal Survey of Children and Youth, only about one-third of Canadian parents use authoritative/democratic parenting styles. Only 34% of preschool children and 31% of school-aged children have authoritative/democratic parents. It should not be surprising that many children across the socioeconomic spectrum show behavioural problems and high levels of risk behaviours.

A study published in 1999 in the Canadian Journal of Behavioural Science revealed that the work experiences of children in Canada might present a significant threat to their well-being, interfering with their education and depriving them of adequate social and recreational opportunities necessary for healthy development. Boys may be particularly vulnerable. Canada-wide research is needed to fully assess the extent of working children, as well as to identify factors that differentiate beneficial from harmful youth employment.

## What does the CRC say about parent education?

The CRC specifically mentions that parents and children should be educated about basic child health issues including nutrition, hygiene and environmental sanitation, the prevention of accidents (injuries), and the advantages of breast-feeding (*Article 24*). It requires that appropriate and active means be taken to ensure that both adults and children are educated about children's rights (*Article 42*). Resource and support programs can make an important contribution in these areas.

## Sometimes parents and other adults become upset when I talk about children's rights. They feel that children's rights undermine parental authority and the role of the family. What can I say to these people?

The CRC was not designed to pit children against their parents. The purpose of the CRC is to promote conditions for optimal child development that will allow children to grow into healthy and productive members of society. The CRC emphasizes the fundamental importance of the family (*Preamble*) and recognizes that parents are primarily responsible for the upbringing of children (*Article 18*). Under the CRC, parents have the responsibility to provide children with guidance in the exercise of their rights. The CRC further stresses the importance of the family by recognizing the rights of children to be cared for by their parents and, if separated, to maintain regular contact with parents (*Articles, 7, 9 and 10*) unless it is not in the child's best interests.

## Does the CRC say how parents should raise their children?

The CRC does not provide a structured set of guidelines for parenting. However, it does support some general principles. For example, parents have the obligation to ensure that all decisions regarding the care of their children are guided by the best interests of the child (*Article 3 and 18*), to protect their children from all forms of violence (*Article 19*) and to encourage their children to participate in decisions that affect them (*Article 12*). By implication, the CRC encourages the use of authoritative/democratic parenting.

Authoritative/democratic parents set and enforce limits based on age-appropriate expectations. They monitor and supervise their children. They are affectionate and supportive. They recognize their children's achievements and maintain involvement in their children's social and academic development. Through explanation and discussion, they encourage their children to explore options, and to express their opinions on matters affecting them (for example, family rules, chores, vacations, and school and community policies). Children's opinions are always taken into account, but are given more weight with age and experience.

It is important for parents to be aware of the benefits of authoritative/democratic parenting. According to the National Longitudinal Survey of Children and Youth, the type of parenting a child receives has a significant impact on the child's behaviour and academic achievement. In general, children with authoritative/democratic parents tend to have higher levels of self-esteem, self-reliance, self-control and social maturity. They also show fewer behaviour problems and fewer risk-taking behaviours in adolescence (such as early sexual activity, tobacco and alcohol use, and violence). Authoritative/democratic parenting also functions as a protective factor that helps build resiliency among children who are being raised in difficult circumstances.

## STOP and Think

Most parents realize the importance of effective parenting. When seeking parenting information, many parents turn to books, videos and parent education programs. Since parenting style is the major predictor of child development, it's good that parents seek parenting information. A challenge of parent education publications is that there are no standards to ensure accuracy. For example, in 1998 Judith Rich Harris published a book stating that parenting makes little difference to a child – that only peers are influential – in contrast to all research and clinical literature!

What can you do to ensure that parent education publications and programs your centre offers are accurate and based on research?

What training does your staff have?

Are your programs and publications recent?

Are there any people in your community you can use as a resource (e.g., social workers, child psychologists, community agency members)?



**FYI**

The following resources may be useful for parents and for those who provide parent education:

• "Spanking: Should I or shouldn't I?", by Dr. Joan Durrant and Dr. Linda Rose-Krasnor, available by contacting the authors at: Department of Psychology, Brock University, St. Catharines, ON, L2S 3A1 or Department of Family Studies, Faculty of Human Ecology, University of Manitoba, Winnipeg, MB, R3T 2N2.

• Health Canada has published numerous resources on parenting, such as "Nobody's Perfect", 1997 and "Parent-Child Relationships: Parents", 1993. To get a copy contact Health Canada, A.L. 0900C2, Ottawa, Canada, K1A 0K9.

• "Parental Support: Effects of a Mass Media Intervention" (1995), authored by Natalie Kishchuk, Marie-Claire Laurendeau, N. Desjardins, and R. Perreault, discusses a highly successful newsletter parent education project. See the Canadian Journal of Public Health, vol. 86, no. 2, pp. 128-132.

## What does the CRC say about discipline?

The CRC states that children should be protected from all forms of mental and physical violence (*Article 19*).

Therefore, such actions as hitting, shouting, threatening or humiliating a child are inappropriate. These types of discipline are also ineffective in teaching appropriate behavior. The CRC also states that parents should provide their children with direction and guidance in ways which are age-appropriate (*Article 5*), and that take the child's best interests into consideration (*Article 3 & 18*).

## Should children be expected to help their parents with chores?

Under the CRC, children should be protected from economic exploitation and from work that is hazardous to their development or that interferes with their education (*Article 32*). The CRC does *not* discourage children from participating in chores that are safe and age-appropriate. Chores can help to develop prosocial and cooperative behaviour and to improve problem solving and decision-making skills.

Sometimes older children work outside the home or help with a family business. Such work must be safe and age-appropriate, and should not compromise the child's rights to education, rest, play and recreation.

## What does the CRC say about play and recreation?

The CRC recognizes children's rights to rest and leisure, to engage in play and recreational activities, and to participate freely in cultural life and the arts (*Article 31*). Recreation, sports and play are essential for healthy development and can help with the development of children's reasoning and intelligence. Play allows young children to develop skills in creativity, flexibility, role-taking, organizing, building

and exploring, and to learn about the environment. Recreation can also be important for social development. For both younger children and adolescents, peer group interactions offer the chance to develop social skills by communicating, sharing, role-taking and cooperating. Adults can encourage play by providing children with environments that offer a wide variety of experiences and things to explore and manipulate. Free time and opportunities for unstructured play and recreation are important for healthy child development.

## What does the CRC say about parental separation or divorce?

The CRC does not specifically address the issue of divorce. However, when parents live separately, the child has the right to maintain direct contact with both parents on a regular basis, unless this is contrary to the child's best interests (*Article 9*). Children should not be denied access to a parent unless there is clear evidence that the parent has been neglectful or abusive, and there is a continuing risk of harm to the child.

*Article 12* gives children the right to express their opinions in matters that affect them, particularly in judicial and administrative proceedings. Therefore, children should be able to express their opinions in divorce and custody proceedings, and their views should be given due weight based on the child's age and maturity.

Most children have a difficult time with parental separation and divorce. It is important for children to feel that both parents will continue to be involved in their lives. It is also important for both parents to maintain their parenting relationship with their children after a divorce or separation. Research has demonstrated the benefits of parent education throughout this difficult time. Where possible, it might be helpful for resource centres to offer special groups or education classes for divorcing parents and families.



**FYI**

For more information on designing and creating play environments for children, see Making Space for Children: Re-thinking and Re-creating Children's Play Environments published by the Society for Children and Youth of British Columbia, 1409 Sperling Avenue, Burnaby, V5B 4J8; or visit: [www.scyofbc.org](http://www.scyofbc.org)



Most resource centres have policies that prohibit staff from using physical punishment to discipline children. However, resource centres that have "parent-helper" volunteers or "parent-child" groups may witness parents using physical punishment on their own children.

How do you think this affects the child?

What about other children at the centre?

Is this an issue that comes up frequently at your staff meetings? Does the policy at your center address this issue?

What are advantages and disadvantages of dealing with this problem publicly or privately?

What measures can you take to help parents use non-violent discipline strategies?



Some programs for children and families are targeted towards specific families, based on income, social status, ethnocultural status or personal status. Targeting attempts to allow those families living in the most difficult life circumstances a first opportunity to participate; and these programs are often very effective. Some people feel that targeted programs are not the best solution. Targeting specific groups can label these groups in negative ways, which can make members less likely to take advantage of the programs. Such programs ignore the possibility of risk and adversity in the lives of other children.

How does your program operate?

Are programs targeted at specific groups?

Does this seem to be working well for your community?

Do you think there are other children and families who could benefit from the programs offered by your organization?

If so, how could you encourage all parents and children to take advantage of them?

## What does the CRC say about children with disabilities?

The guiding principle of non-discrimination (*Article 2*) indicates that all children should have equal access to resource and support programs. *Article 23* outlines specific rights for children with disabilities, including the right to a full and decent life, education, training, recreation opportunities and preparation for employment. Together these articles suggest it is important that resource and support programs be available to all children, including those with disabilities, disorders, and/or health impairments. It is important that facilities and resources are accessible to children with special needs and that staff receive appropriate training, so that every child is able to benefit from these services.

## Are there any special considerations we should keep in mind when working with children who are refugees or immigrants?

Under the CRC, refugee and immigrant children have the right to appropriate protection and humanitarian assistance, and to enjoy all the rights articulated in the CRC (*Article 22*). The CRC requires that governments cooperate with other organizations to protect and assist refugee children, and to trace their parents or other family members.

Refugee and immigrant children may have experienced the trauma of armed conflict. The CRC requires that children who have experienced war and civil conflict are provided with special programs to promote their physical and psychological recovery and social reintegration (*Articles 3 & 39*).

Refugee and immigrant children have the right to enjoy their own culture, practice their own religion, and use their own language, and to do so with other members of their group (*Article 30*). Programs, policies and practices can be developed and implemented to be consistent with these special rights and considerations for refugee and immigrant children.

## Notes

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## Children's Rights Quiz

Test your knowledge of the CRC! Read each of the following statements and decide if you think they are true or false. Then turn to page 28 to see how you did!

1. Almost all countries in the world ratified the CRC in the 1990s.
2. The CRC gives children the right to express and have their opinions heard regarding decisions that affect them.
3. When children are in foster care, the CRC requires that all aspects of their placement be reviewed regularly.
4. The CRC indicates that young people should not have to take jobs that leave little time for social activities.
5. The CRC defines children as all persons up to age 16.
6. The CRC requires the provinces to take measures to encourage school attendance and reduce drop-out rates.
7. The CRC is silent on the issue of protecting children from the illicit use of narcotics.
8. Under the CRC, Canada should provide special protection and assistance to children who are seeking refugee status, regardless of their parents' situation.
9. Under the CRC, children who are sick have the right to participate in decisions about their treatment.
10. The CRC says that school discipline should be consistent with the child's dignity.
11. The CRC upholds the family as the fundamental group of society.
12. The CRC is silent on the issue of privacy for children.
13. The CRC does not address the issue of whether a child has rights prior to birth.
14. The CRC allows for traditional practices that may compromise the health of the child, if the practices are an integral part of the family's cultural heritage.

15. Upon ratification, the CRC became part of Canadian law.
16. The CRC says that governments should take measures to ensure there is child care available to those who need it, as long as they are eligible for it.
17. The CRC requires that the Canadian government provide some international assistance.
18. The CRC recognizes the right of the child to have a voice in community decision-making affecting youth.
19. Implementation of the CRC in Canada is the sole responsibility of the federal government.
20. Under the CRC, it is parents, not governments, who are charged with providing an adequate standard of living for their children.
21. The CRC says that in custody disputes, children have the right to have their views heard and taken into account.
22. Under the CRC, Canadian governments should take measures to ensure that children have access to information that promotes their health and well-being.
23. The CRC does not address the issue of religious freedoms for children.
24. The CRC fails to provide for the due process of young offenders.
25. The CRC says that its principles must be made known to those working with children, although not necessarily to children themselves.
26. Under the CRC, custody of juvenile offenders is to be used only as a last resort.
27. The CRC addresses child prostitution, but is silent on the use of children in pornography.
28. Under the CRC, children have the right to be protected from all forms of physical and mental violence.
29. The CRC requires that children who have experienced any form of abuse, neglect, or exploitation be provided with rehabilitative care.

30. The CRC requires that First Nations or minority children be provided with opportunities to practice their own culture but not necessarily their own language.
31. Under the CRC, children have the right to access information via the internet, subject to parental guidance.
32. The CRC does not address the issue of discrimination against children.
33. Under the CRC, children have the right to have their voices heard in the determination of school rules such as dress codes.
34. The CRC recognizes the right of the child to play and leisure.
35. The CRC has been used by the court as an interpretive guide in legal cases.
36. Under the CRC, children with disabilities have the right to education that helps them achieve self-reliance.
37. The CRC obligates Canadian governments to not only provide health care for pregnant women, but also to teach them the advantages of breastfeeding.
38. The CRC recognizes the right of children who are removed from their biological parents to have input into decisions about their placements.
39. The CRC pits children's rights against parental rights.
40. One problem with the CRC is that it does not take into account the evolving capacities of children.

**Now turn the page to find out how you did!**



## Answers

1. True – According to the Office of the United Nations High Commissioner for Human Rights, 191 countries had ratified the CRC by 1997. This means that the CRC has been ratified by all but two countries — the United States of America and Somalia.
2. True – Article 12 states that children who are capable of forming their own views have the right to express those views freely in all matters that affect them. The views of the child are to be given due weight in accordance with the age and maturity of the child.
3. True – Article 25 recognizes the right of any child who has been placed by authorities for purposes of care or protection to a periodic review of their treatment or placement.
4. True – Under the CRC, children are permitted to work. However, Article 32 recognizes the right of the child to be protected from any work that will be harmful to the child’s physical, mental, spiritual, moral, and social development, and work that does not leave time for social activities will hamper many aspects of the child’s development. In addition, such work is a violation of the child’s right to rest, leisure, play, and recreational activities, which is articulated in Article 31.
5. False – Article 1 defines children as every human being below the age of eighteen years, unless domestic law says otherwise.
6. True – Article 28.1(e) say that countries shall take measures to encourage regular attendance at schools and the reduction of drop-out rates. Because education in Canada is under provincial jurisdiction and the provinces have ratified the Convention, this responsibility becomes a provincial one.
7. False – In fact, the CRC has an article that specifically addresses this issue. Article 33 states that countries must take all appropriate measures to protect children from the illicit use of narcotic drugs and psychotropic substances, and to prevent the use of children in the illicit production and trafficking of such substances.
8. True – Under Article 22.1, any child who is a refugee or is seeking refugee status must receive appropriate protection and humanitarian assistance, whether unaccompanied or accompanied by his or her parents or by any other person. In addition, Article 2 obligates countries to ensure the rights of children without discrimination, including discrimination based on the status of the child’s parents.

9. True – As with question 2, Article 12 states that children who are capable of forming their own views have the right to express those views freely in all matters that affect them, which would include treatment decisions.

10. True – Under Article 22.2 school discipline must be administered in a manner consistent with the child’s human dignity and in conformity with the CRC.

11. True – The CRC clearly recognizes the importance of the family. The fifth and sixth paragraphs of the preamble state that the family is the fundamental group of society and the natural environment for the growth and well-being of children, and that the child should grow up in a family environment. Articles 3.2, 5, and 14.2 recognize the rights and duties of parents or legal guardians to protect children and guide children in the exercise of their rights. Article 9 protects children from separation from their parents, unless such separation is in the child’s best interests, and outlines necessary procedures to allow the child to maintain contact with his or her parents in the event of such separation. Finally, Article 18 articulates the importance of both parents having common responsibilities for the child’s upbringing, and that parents or legal guardians have the primary responsibility for the development of the child.

12. False – Article 16 specifically recognizes a child’s right to privacy, stating that no child shall be subjected to arbitrary or unlawful interference with his or her privacy.

13. True – There is some mention in the CRC of the prenatal environment. The ninth paragraph of the preamble states that the child needs special safeguards and care before as well as after birth, and Article 24.2(d) obligates countries to ensure appropriate prenatal health care for mothers.

14. False – Although the CRC does stress the importance of culture, Article 24.3 requires States Parties to take effective and appropriate measures toward abolishing traditional practices that are detrimental to the health of children.

15. False – The CRC is a document of international law, but it does not automatically become part of Canadian law upon ratification. However, Article 4 obligates States Parties to undertake all appropriate legislative, administrative and other measures for the implementation of the CRC.

16. True – Article 18.3 says that countries shall take all appropriate measures to ensure that children of working parents have the right to benefit from child care services and facilities for which they are eligible.

17. True – The CRC promotes international assistance and co-operation in numerous areas. Under Article 4, with regard to economic, social, and cultural rights, States Parties are to undertake implementation measures within the framework of international cooperation. In addition, international cooperation is encouraged in areas such as provision of health care (Article 24.4); elimination of illiteracy (Article 28.3); protection of children from abduction and trafficking (Article 35); exchange of information, particularly concerning preventative health care and the care of disabled children (Article 23.4); protection of children from sexual abuse and exploitation (Article 34); and protection and care of children affected by armed conflict (Article 38.4).

18. True – Article 12 states that children who are capable of forming their own views have the right to express those views freely in all matters that affect them, which would include many community decisions.

19. False – It is clear that Canada’s federal government plays a major role in implementing the CRC. For example through providing funding to the provinces/territories, through research on child development and children’s rights, and through promoting the CRC. Nonetheless, many of the areas addressed by the CRC fall under provincial or territorial jurisdiction. Implementation, then, is a joint responsibility of both levels of government.

20. False – In Articles 3.2, 18.1, and 27.2 the responsibility of parents to provide an adequate standard of living for their children is recognized. However, the CRC also recognizes that parents may need assistance to provide for their children’s needs. Article 18.2 obligates countries to provide assistance to parents and legal guardians in the performance of the child-rearing responsibilities, and Article 27.3 specifies that this assistance should come in the form of material assistance and support programs, particularly with regard to nutrition, clothing and housing.

21. True – Article 12 states that children who are capable of forming their own views have the right to express those views freely in all matters that affect them, which would include custody decisions. Article 12.2 also makes specific mention of the child having the opportunity to be heard particularly in judicial and administrative procedures.

22. True – Article 13 articulates the child’s basic right to freedom of expression, which includes the freedom to seek, receive, and impart information and ideas of all kinds. In addition, Article 17 and Article 24.2(e) also make specific mention of the child’s right to access information aimed at the promotion of social, spiritual and moral well-being and physical and mental health, particularly concerning topics such as child health and nutrition, hygiene, and the prevention of accidents (injuries).

23. False – Under Article 14.1, the child has the right to freedom of thought, conscience, and religion. However, as stated by Article 14.2, parents and legal guardians should provide direction to the child in the exercise of this right, and this should be done in a manner consistent with the child’s evolving capacities.

24. False – Articles 37 and 40 address issues that would apply to children in contact with the law. In general, these articles state that all children have the right to be treated with humanity and respect, and to be protected from all forms of torture, capital punishment, life imprisonment, and arbitrary or unlawful deprivation of liberty. Also, all children accused of crimes have the right to be informed promptly of the charges, to receive legal assistance, and to be presumed innocent until proven guilty in a prompt and fair trial.

25. False – Article 42 states that the principles and provisions of the CRC are to be made widely known, by appropriate and active means, to adults and children alike.

26. True – Article 37(b) states that the arrest, detention or imprisonment of a child should be used only as a measure of last resort and for the shortest appropriate period of time.

27. False – Article 34 obligates States Parties to take all appropriate measures to prevent the use of children in pornographic performances and materials, and to protect children from other forms of sexual abuse.

28. True – Under Article 19.1, States Parties must take all appropriate legislative, administrative, social and educational measures to protect children from all forms of physical or mental violence.

29. True – Article 39 obligates States Parties to take appropriate measures to promote physical and psychological recovery and social reintegration of child victims in an environment that fosters the health, self-respect, and dignity of the child.

30. False – Article 30 states that children of ethnic, religious or linguistic minority and indigenous children have the right to use their own language, in addition to the right to enjoy their own culture, and to profess and practice their own religion.

31. True – Article 13 articulates the child’s general right to seek, receive, and impart information through any media of the child’s choice, and Article 17 obligates States Parties to ensure that the child has access to information and material from a diversity of sources. However, Article 17(e) encourages the development of appropriate guidelines to protect the child from information and material that will harm his or her well-being, and Article 5 articulates the parents’ responsibilities to provide the child with direction and guidance in exercising his or her rights, in accordance with the child’s evolving capacities.

32. False – Article 2 states that the rights in the CRC are to be provided for all children without discrimination and requires States Parties to take appropriate measures to protect the child against all forms of discrimination.

33. True – Article 12 states that children who are capable of forming their own views have the right to express those views freely in all matters that affect them, which would include school rules.

34. True – Article 31 recognizes children’s right to rest, leisure, play, recreational activities, cultural life, and the arts. Article 31.2 also asks States Parties to encourage the provision of appropriate and equal opportunities for such activities.

35. True – There has been increasing use of the CRC in both the Supreme Court and lower courts to interpret or supplement Canadian law.

36. True – Under Article 23.3, children with disabilities should have access to education, training, health care, rehabilitation, preparation for employment and recreation opportunities in a manner which allows the child to achieve social integration and individual development to the fullest extent possible. In addition, Article 23.1 recognizes the right of children with disabilities to enjoy a full life in conditions that promote self-reliance and facilitate the child’s active participation in the community.

37. True – Article 24.2(e) obligates States Parties to take all appropriate measures to ensure that all segments of society, in particular parents, are informed of and have access to education about the advantages of breastfeeding, and are supported in the use of breastfeeding.

38. True – Article 12 states that children who are capable of forming their own views have the right to express those views freely in all matters that affect them, which would include placement decisions. Article 12.2 also makes specific mention of the child having the opportunity to be heard in judicial and administrative procedures. In addition, Article 9.2 states that, when children are separated from their parents, all interested parties (which would include the child) should have the opportunity to participate in the proceedings and to have their views known.

39. False – Although the CRC focuses on the rights of children, it also recognizes the fundamental importance of the family to healthy child development and addresses the responsibilities of parents to provide for the rights and best interests of their children.

40. False – Article 5 articulates parents’ responsibilities to provide the child with direction and guidance in exercising his or her rights, in accordance with the child’s evolving capacities. Article 12.1 and Article 14.2 also reiterate this principle.



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