



The National Children's Alliance and A Rights Based Approach: Setting the Context for Discussion and Action

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TABLE OF CONTENTS

I Introduction 3

II The UN Convention: Addressing children’s rights globally 5

 II. A) Background 5

 II. B) What is the United Nations Convention on the Rights of the Child? 5

 II. C) The Four Foundation Principles of the Convention 5

 II. D) How has Canada measured up to the Convention? 7

III The UN Convention in the 21st Century: New commitments for the world’s children 9

 III. A) Background 9

 III. B) A World Fit for Children: An Overview 9

 III. C) *A World Fit for Children*: Beginning implementation 10

 III. D) The National Children’s Agenda: A logical linkage with the National Plan of Action in Canada 12

IV The Convention and the WFFC: Their implications for Canada and Canada’s children 14

 IV. A) Adopting a rights-based approach: What does this mean? 14

 IV. B) A rights-based approach: Setting the context for discussion and action 15

V The Convention and the WFFC: Their implications for Canada’s Voluntary Sector 19

 V. A) Ongoing programming and operations 19

 V. B) The Role of the National Children’s Alliance as Advocates 23

Appendix A: Linkages between the priority areas of *A World Fit for Children*, Canada’s National Children’s Agenda and the Convention on the Rights of the Child 28

I Introduction

The single most significant human rights milestone in 20th century Canada was the passing of the *Charter of Rights and Freedoms*. With its signing in 1982, human rights became an intrinsic and irrevocable part of our Canadian identity. This charter followed on the United Nations' vision of unassailable human rights, as reflected in the passage of the Universal Declaration of Human Rights in 1948.

The *Canadian Charter of Rights and Freedoms* acknowledges that everyone — regardless of colour, religion, age, sex, ability, race or belief — possesses certain fundamental rights that no government can remove without cause. A very heady vision indeed, yet the reality for children has proven quite different.

In spite of the *Charter* children's rights have continued to be overlooked, and legislation still places unreasonable restrictions on children's human rights and fundamental freedoms. For example, children in Canada are the only category of persons who can be subject to physical assault without due process. These actions have shown that an explicit positioning of children's rights in Canadian public policy is necessary, versus the implicit understanding of children's rights as is the case with the *Canadian Charter of Rights and Freedoms*.

Nor is this 'basic rights' dichotomy limited to Canada. It is a recognized worldwide phenomenon, and one that fortunately began to be addressed in the final decade of the 20th century with the development and ratification of the *United Nations Convention on the Rights of the Child* (hereafter *the Convention*) and related actions.

This paper highlights the implications of a "rights-based approach" for governments, the voluntary sector and all of society. It begins by describing the *United Nations Convention on the Rights of the Child* and *A World Fit for Children* – the foundation for a rights-based approach in Canada.

In any discussion of the UN *Convention* and a rights-based approach, two issues often create misunderstanding: the role of parents and the views of children. Therefore, it is worth clarifying these issues at the very beginning:

- *The role of parents.* The UN *Convention* concretely emphasizes the role, rights and duties of parents as the primary caregivers and protectors of children. This recognition involves the obligation of governments and all society to support the family in these roles. In Canada, where the importance of the parental role is well recognized, the *Convention* becomes another safeguard. Only when the family is unable, or fails, to act in the best interests of the child can the government step in.
- *The views of children.* The principle of "the views of the child" calls for the views and voice of children to be heard and respected. This principle is based on the fact that rights can only be realized with empowerment. For example, in the past, children

National Children's Alliance and a Rights Based Approach:

Setting the Context for Discussion and Action

were viewed as passive beneficiaries of assistance rather than as active participants in their own development. This change in attitude makes possible a process for involving children – within the context of their evolving capacities – in discussions and decisions that concern them and affect their lives. In this regard, common sense prevails: ways to respect the views of children varies according to their age and stage of development. Appropriate methods for involving adolescents in decisions that affect their lives is entirely different than for involving young children in decisions that help them develop their cognitive and emotional development. In addition, when children learn about their rights, they learn about respecting the rights and freedoms of others at the same time.

In the context of the development of Canada’s National Plan of Action for *A World Fit for Children*, this paper also provides background on Canada’s National Children’s Agenda – an obvious link for dialogue on Canada’s future priorities and time-bound goals for the next decade.

Finally, this paper addresses the particular implications of a rights-based approach for the voluntary sector, including its implications on voluntary sector programming and operations, the participation of children in voluntary sector activities and planning, and the voluntary sector’s role as advocates in society for children. Throughout this discussion it will become clear that the National Children’s Alliance can play a leadership role in the development of Canada’s National Plan of Action and in making “A Canada Fit for Children.”

“A Century that began with children having virtually no rights is ending with children having the most powerful legal instrument that not only recognizes but protects their human rights.”

[Carol Bellamy, UNICEF Executive Director]

II The UN *Convention*: Addressing children’s rights globally

II. A) Background

World interest in the rights of children coalesced in 1989, when the *UN Convention on the Rights of the Child* was drafted. Canada was an active player in these efforts, helping to draft the *Convention* and co-hosting the 1990 World Summit for Children at the United Nations in New York. At this summit, world leaders and other participants adopted a *Declaration for the Survival, Protection and Development of Children*, as well as a *Plan of Action* for implementing this declaration during the 1990s.

II. B) What is the United Nations Convention on the Rights of the Child?

The *UN Convention on the Rights of the Child* is the most comprehensive human rights document ever adopted by the international community. Forty-two countries, including Canada, spent 10 years drafting the *Convention*. All but two countries in the world — the United States and Somalia — have ratified it. Built on varied legal systems and cultural traditions, the *Convention* is a universally agreed set of non-negotiable standards and obligations linking the child and fundamental human rights. Notably, the *Convention* is the first legally binding international instrument to incorporate the full range of human rights — civil, political, economic, social and cultural, and it is the most comprehensive treaty for the protection and support of children in existence today. The *Convention* is also the only international human rights treaty that gives NGOs an explicit role in monitoring its implementation.

The *Convention* legally guarantees all children:

- The right to survival.
- The right to develop to the fullest.
- The right to protection from harmful influences, abuse and exploitation.
- The right to participate fully in family, cultural and social life

II. C The Four Foundation Principles of the Convention

Among the 54 Articles that make up the *Convention*, four have been identified as the ‘foundation’ principles that serve as a guide to interpreting all other articles:

Article 2: Non-Discrimination

The principle of non-discrimination (on the basis of race, colour, sex, language, opinion, origin, disability, religion, birth or any other characteristic) means that all children have the same right to develop to their potential.

Article 3: Best Interests of the Child

The best interests of the child is to be ‘a primary consideration’ in all actions regarding children. This principle is key because:

- a) It supports a child-centred approach, focusing attention on the child’s inter-related rights and needs, rather than on one particular need or programmatic response.
- b) It provides a basis for evaluating the laws, policies and practices of States Parties with regard to the protection provided to children.
- c) It makes the case that basic services for children must be protected at all times, including during periods of economic reforms and deficit reduction.

Article 6: Right to Life, Survival and Development

This principle recognizes that in all countries there are children living in exceptionally difficult conditions, and that such children need special consideration. Among other things, this principle is based on the concept of ‘distributive justice’, which implies the adoption of positive measures to ensure that policies truly cover and reach all children. In this regard, it is crucial to take into account the issue of accessibility, which seeks to guarantee the right to basic services and equity of opportunity for all individuals to achieve their full development.

Article 12: The Right to Participation

This article highlights children’s right to participate in decisions that affect their lives, and to have their views duly considered, according to their age and maturity. Participation is frequently defined as: “... the process of sharing decisions which affect one’s life and the life of the community in which one lives. It is the means by which democracy is built and it is a standard against which democracies should be measured.”¹

The Value of Participation

Participation of children and young people may include a number of activities. For example:

- * expressing the desire to learn even at a very young age;
- * seeking information;
- * expressing ideas and opinions;
- * taking part in activities and processes;
- * being informed and consulted in decision-making;
- * initiating ideas, proposals or projects; and,
- * respecting others.

The Value of Participation (cont’d)

¹ Hart, Roger A. *Children’s Participation: From tokenism to citizenship*, Innocenti essays, no.4, UNICEF International Child Development Centre, Florence, Italy, 1992, p.5.

Participation skills need to be learned and practiced, beginning at an early age. These skills are what democracy is predicated upon — i.e., an informed and engaged populace. In addition, experiences from around the world are showing that the involvement of young people in programs and projects enhances program responsiveness and impact.

The participation of children with disabilities must be sought, regardless of their ability to communicate or participate in traditional ways.

The costs to society of not facilitating participation include the emergence of young adults who do not know how to:

- * express themselves;
- * engage in constructive dialogue;
- * negotiate differences of opinion; and
- * assume responsibility for self, family, community and society.

II. D) How has Canada measured up to the Convention?

Canadian legislation rarely recognizes children specifically. While the *Charter of Rights and Freedoms* guarantees rights for everyone, children are often overlooked and their fundamental freedoms are largely dependent on the benevolence of adults.

The Canadian Coalition for the Rights of Children — a coalition of 34 national and international organizations concerned with the rights of children and youth — went about helping to answer the question, “how has Canada measured up to the Convention?” The Coalition began this work in the late 1990s by engaging in an extensive consultation process with the Canadian NGO community. Based on the results of these consultations, the Coalition focused its research on six areas concerning the Convention’s Articles related to education, fundamental freedoms, abuse and neglect, refugee children, children with disabilities and Canada’s international obligations. Within those six areas, the coalition concluded that Canada is meeting most of its obligations under the UN Convention on the Rights of the Child.²

² A shortcoming of this research is that it was based on data from the late 1980s, a period of economic boom and considerable social spending. The 1990’s, however, could be characterized as a period of economic downturn and substantial budget cuts to social programs. As a result, this analysis conducted by the Coalition in the late 1990s may not accurately reflect the harmful affects of that decade’s economic and social state of affairs.

However, within these six areas, the coalition's research documented seven instances where children's rights were being systemically violated, and 26 situations where action is required before Canada's compliance with the *Convention* can be met. Issues highlighted by the Coalition included:

- 1) The Provinces and Territories share responsibility for implementation of the Convention with the Federal government. Therefore, implementation methods and activities vary by jurisdiction, and where a child lives often determines the degree to which their rights are met.
- 2) Section 43 of the Canadian Criminal Code allows parents, teachers and persons "standing in the place of a parent" to use corporal punishment against children, even though physical punishment has been strongly linked to physical abuse.
- 3) Children's fundamental freedoms are not recognized in education legislation.
- 4) Cutbacks to education funding and the closing of schools has undermined access to and quality of education for all in Canada.
- 5) Child welfare research and data are seriously lacking.
- 6) A disproportionate number of Aboriginal children are victims of abuse and neglect in comparison to non-Aboriginal children. Canada has made little progress in improving the outcomes for Aboriginal children. For example, an Ontario review found that Aboriginal children receive the lowest level of child welfare services. In Manitoba, Aboriginal children represent 10% of the province's child population, but 67% of children in care.
- 7) Children with disabilities are not guaranteed free and appropriate early diagnosis, early intervention and early childhood education in Canada.
- 8) The federal *Immigration Act* (now the *Immigration and Refugee Protection Act*) discriminates on the basis of disabilities, because it allows the rejection of a family's immigration application if a child is deemed to place excessive demands on health or social services.
- 9) It takes an unwarranted amount of time for refugee families to be reunited in Canada.
- 10) There is concern that some restrictions in municipal by-laws may be contrary to the *Charter of Rights and Freedoms* and the *Convention*.
- 11) There are no federal monitoring bodies or accountability mechanisms, to ensure the implementation of *Convention* provisions, such as a federal ombudsman or commissioner for children.
- 12) Many children are not educated about rights and freedoms in Canada.

NOTE:

For a copy of the full report, refer to the Canadian Coalition for the Rights of Children's website: <http://www.rightsofchildren.ca/report>.

III The UN Convention in the 21st Century: New commitments for the world's children

III. A) Background

A Special Session on Children was convened by the United Nations in May 2002 to evaluate the accomplishments and unfinished business of the previous 10 years, and to formulate a updated plan of action. At this session, the General Assembly adopted *A World Fit for Children* — an ambitious agenda that includes 21 specific goals and targets for the next decade. *A World Fit for Children* was adopted by consensus by the participating 180 nations.

III. B) A World Fit for Children: An Overview

A World Fit for Children (WFFC) acknowledges the *UN Convention on the Rights of the Child* as a comprehensive set of international legal standards for the protection and well-being of children.

A WFFC's agenda focused on four key priorities:

1. promoting healthy lives (noting that a good early childhood is a key determinant of lifelong health);
2. providing quality education (noting that the capacity for learning is developed before children enter school);
3. protecting against abuse, exploitation and violence; and,
4. combating HIV/AIDS.

The Special Session's 'Plan of Action' recognizes that a world fit for children is one where:

- all children have the best possible start in life;
- all children have access to a quality basic education;
- all children have ample opportunity to develop their individual capacities; and
- the physical, psychological, spiritual, social, emotional, cognitive and cultural development of children is a matter of national and global priority.

A World Fit for Children also contains a strong call to support families, to eliminate discrimination, and to tackle poverty.

A key characteristic of a WFFC is that it calls upon a wide range of actors and partners to play active roles and, in fact, ties future success to a broad-based collaboration. *A World Fit for Children* stresses the importance of the active involvement of children themselves, parents and other caregivers, local governments, parliamentarians, the voluntary sector, the private sector, religious and indigenous leaders, the mass media and people who work with children. Such alliances and partnerships expand the base of resources and capabilities that can be mobilized for children.

In New York, on May 5-7, 2002, 404 children from 154 countries gathered together for the first-ever Children’s Forum at the United Nations. The children worked in regional and topic groups to develop a message of action to present to world leaders. They entitled their statement to the United Nations “A World Fit for Us.” For the first time in history, two young people delivered statements to the General Assembly of the United Nations. As a result of this historic participation of children, some now question whether any future large-scale event related to children’s issues could ever occur without children themselves being present.

“Adults miss the point. When is a child considered skillful enough to contribute and participate actively? If you do not give them the opportunity to participate, they will not acquire the skills. Give us the chance early and see how we fly”.

-- [Khairul Azri, a 17-year old Malaysian delegate to the UN Special Session on Children, 2002]

A World Fit for Children concludes with a section on follow-up actions. In this context, countries have been encouraged to develop their unique plans of action by the end of 2003. These plans are to be based on specific, time-bound and measurable goals.

III. C) *A World Fit for Children*: Beginning implementation

A World Fit for Children outlines policy options for governments and their partners for implementing the Plan of Action:

1. Incorporation of the agenda of the WFFC into their social, economic, legislative and fiscal decision-making;
2. Widespread involvement of civil society, including families and children, in the development of national programs, policies and plans for children;
3. Strengthening of national planning, coordination and implementation of programs and policies for children;
4. Establishment or strengthening of national bodies for the promotion and protection of children’s rights;

5. Regular monitoring of the situation of children at the national level and, where appropriate, at regional levels; and,
6. Periodic progress reviews.

As a signatory to a WFFC, each country has agreed to develop a National Plan of Action as outlined in a WFFC agreement. UNICEF, in its follow-up to the UN Special Session on Children, provided national governments with suggestions on how to respond to their obligation to create a National Plan of Action that would incorporate a WFFC into their social, economic, legislative and fiscal decision-making and build on existing relevant policy instruments or frameworks. In addition to embedding the National Plan of Action in domestic policy and programmatic discussions, this approach would enable a more systematic approach to future monitoring and reporting on progress.

As a first step in developing a National Plan of Action, governments and their partners are being encouraged to start a broad-based national dialogue on children's rights and implementing *A World Fit for Children*, involving civil society, the private sector, donors, and representatives of children and young people.

These consultations should:

- Review the situation of children, and the goals and targets of the WFFC in the light of that situation;
- Take into account observations related to the government's obligations under the UN Convention on the Rights of the Child;
- Ensure the meaningful participation of young people in the consultation process; and
- Result in a statement of joint commitment to a set of goals, targets and priority actions for children, to be taken by different actors and sectors.

Developing Canada's National Plan of Action

The Prime Minister of Canada requested that the Honourable Anne McLellan, Minister of Health and the Honourable Jane Stewart, Minister of Human Resources Development to accept joint responsibility for developing Canada's National Plan of Action. The Prime Minister has also requested that Senator Landon Pearson act as his personal representative in this process.

III. D) The National Children's Agenda: A logical linkage with the National Plan of Action in Canada

Background

In January 1997, the federal, provincial and territorial governments agreed to work together to develop the National Children's Agenda (NCA) — a 'shared vision' for Canada's children. Public discussions held during 1999 identified a set of goals that reflect what Canadians want for their children. These goals include:

1. physical and emotional health;
2. safety and security;
3. success at learning; and
4. social engagement and responsibility.

In addition, six areas were identified in which collaboration among governments would enhance child well-being:

1. enhancing early child development;
2. supporting parents and strengthening families;
3. improving income security for families;
4. providing early and continuous learning experiences;
5. promoting healthy adolescent development; and,
6. creating safe, supportive and violence-free communities.

Agreed upon as part of the Social Union Framework, the National Children's Agenda provides a timely and established mechanism for addressing children's rights. This inter-governmental vision advances the need for developing clear outcomes for measuring success. It includes collective policy priorities, as well as joint federal-provincial-territorial initiatives to underpin these policy directions. These initiatives reflect a range of income security and childhood development strategies. For example:

- Through the **National Child Benefit** (NCB) initiative, the Government of Canada and the governments of the provinces and territories are all working in partnership and investing in benefits and services that will help reduce child poverty and support parents in their transition to employment. In 2001/2002, Government of Canada investment in the NCB will approach \$2.4 billion.
- **The Canada Child Tax Benefit** (CCTB), which is paid directly to families, is the Government of Canada's major contribution to the National Child Benefit. By 2004, 90 percent of all Canadian families will benefit from the CCTB, and the maximum annual benefit for a family with two children will reach \$4,800.

- **The Child Disability Tax Benefit** provides low- and moderate-income families with children who have a ‘severe’ disability with a Child Disability Benefit supplement in the Canada Child Tax Benefit up to a maximum of \$16,000 per year.
- **The Federal-Provincial-Territorial Early Childhood Development Agreement** will provide \$2.2 billion to all³ of the provinces and territories over five years to support investments in early childhood development programs and services.
- The Government of Canada also enhanced **Employment Insurance maternity and parental benefits** (a doubling of parental leave) to enable parents to stay home for up to one year with their newborn children – significantly improving choices for parents and improving futures for children.
- **The Community Action Program for Children** provides long-term funding to community coalitions to deliver programs that address the health and development of children (0-6 years) who are living in conditions of risk (total budget in 2001/02 was nearly \$60 million). **The Canadian Prenatal Nutrition Program** funds community groups to develop or enhance programs for vulnerable pregnant women (total budget in 2002/03 is \$30.8 million). **The expanded Aboriginal Head Start** is an early childhood development program for First Nations, Inuit and Metis children and their families living on- and off-reserve (total budget in 2002/03 is \$35 million).
- The February, 2003 Federal Budget Announcements included **new funding for early learning and child care services**. This funding totals \$900 million: \$25 million in 2003-4; \$75 million in 2004-5; \$150 million on 2005-6; \$300 million in 2006-7; and \$350 million in 2007-8. In addition, \$35 million has been designated for early learning and care over four years in First Nations communities starting in 2004-5.

Moving forward: A Role for the National Children’s Alliance

Because it was agreed upon as part of the Social Union Framework, the National Children’s Agenda is a moving conduit for federal/provincial/territorial cooperation and action and for bringing partners together to increase effectiveness. Therefore, linking the National Action Plan for *A World Fit for Children* with the goals and priorities of Canada’s National Children’s Agenda can strengthen the reach and effectiveness of both. As well, linking the two (a WFFC and Canada’s NCA) can help to meet one of their key mutual goals — to strengthen partnerships and maximize participation (see Appendix A for a chart linking the goals of the NCA, a WFFC and the articles of the *UN Convention*).

A potential role for the members of the National Children’s Alliance is to assess the relative strengths and weaknesses of the NCA’s policy and programmatic agenda, and

³ While the Government of Québec shares the same concerns as other governments on children's issues, Québec does not participate in federal-provincial-territorial initiatives such as the National Children's Agenda, the National Child Benefit and the Early Childhood Development Agreement.

present time-specific and measurable goals and strategies that move Canada forward in its commitments to *A World Fit for Children*.

IV The Convention and the WFFC: Their implications for Canada and Canada's children

IV. A) Adopting a rights-based approach: What does this mean?

Rights imply obligations of the state and the community. What does this mean for Canada and Canada's children? There are five major consequences of employing a rights-based approach to children's survival, growth, development, protection and participation:

- **Rights are not charity.** Children do not seek rights as petitioners of the goodwill of society. Rather, governments, the voluntary sector, community institutions, and parents and caregivers, are accountable for respecting and furthering these rights. Another way to describe this concept is in terms of "entitlements versus privilege." Among other things, this means that basic services for children must be protected at all times, including during periods of economic reforms and deficit reduction.
- **Rights are universal.** The rights guaranteed in the *Convention* are universally applicable, therefore all children have the same rights to survival, growth, development, protection and participation.
- **Children's rights are not less important than adult rights.** An important extension of the human rights movement is that children are not the property of parents nor are they less important citizens. The designation of children as bearers of rights is an important step forward in the human rights movement. In addition, because of their particular vulnerability (e.g. children cannot support themselves financially), children's rights should supercede the rights of adults in cases where they may conflict.
- **Rights can only be fully realized with empowerment.** In the past, children were viewed as passive beneficiaries of assistance and objects of charity, rather than as active participants in their own development. Now, children are seen as 'protagonists' and 'agents of social transformation.' This change in attitude also initiates a process whereby children, within the context of their evolving capacities, participate in the processes and decisions that concern them and affect their lives.
- **Rights are indivisible and interdependent.** One of the basic principles of international human rights law is the indivisibility and interdependence of rights. In other words, the implementation of each right set forth in the *Convention* should take into account the implementation of and respect for, many other rights of the child. The indivisibility and interdependence of rights mirrors what is now known about how children develop, and that the determinants of child development cannot be

separated, one from the other, and that action in one area (e.g. health) will affect other areas of development (e.g. learning).

IV. B) A rights-based approach: Setting the context for discussion and action

Moving beyond the needs vs. rights debate

A rights-based approach is not mutually exclusive of a needs-based approach. In fact, many of the interdependent and interrelated children's human rights that the *Convention* codifies are needs-based in origin (e.g., the right to the highest attainable standard of health and of education, the right to protection from abuse and neglect).

What a rights-based approach does is emphasize that realizing rights is the best way to ensure improvements in child outcomes.

Canada needs to find the right balance between the development of an infrastructure of programs and services that promote children's development, while contributing to the social, economic and legal transformation that will guarantee sustained protection and fulfillment of children's rights.

Multi-level and multi-sectoral

The *Convention* and the WFFC underscore that the child's situation is the result of a complex set of factors — some external and others internal to the child's family and community. In other words, a children's-rights perspective should lead to an understanding of the mix of causes that together prevent some children from enjoying their rights. This analysis parallels the evidence that the determinants of childhood development are interdependent and interrelated.

While it is easier to focus on individual programs or one delivery system, a rights-based approach focuses attention on the synergy, or lack thereof, between the legislative process, the development of public policy, and the programmatic and service choices that affect — either directly or indirectly — children and their families. This multi-sectoral and multi-level approach is borne out in the data collection and research underway in a number of Canadian communities.

Looking at the big picture: Adopting an 'environmental perspective'

Article 1 of the Universal Declaration of Human Rights states that "All human beings are born free and equal in dignity and rights." This principle is the foundation of all human rights treaties. The application of this principle, therefore, means that Canada's voluntary organizations, in addition to their diverse organizational mandates, need to identify issues of exclusion and injustice as central concerns in their dialogue with partners and policy makers.

The challenge, however, is for the voluntary sector and governments to adopt an environmental perspective — i.e., looking at ways to improve the environments in which children grow up, live and learn. In other words, a rights-based perspective transforms the traditional understanding of our roles as simply fulfilling specific service mandates into a broader role as partners in effectively influencing outcomes for children at the community level.

Broadening our understanding of ‘vulnerable children’

The voluntary sector is very often seen as an advocate and provider for the most vulnerable populations. Many organizations in Canada work to ensure that the vulnerable who are at risk — such as children with disabilities or children whose families live in poverty — are reached and given equal opportunities to develop to their potential.

However, the *Convention* and a WFFC also stress the need for addressing structural problems at the heart of exclusion and injustice. Clyde Hertzman, in his paper “Leave no Child Behind”, argues that:

Canadian society systematically denies identifiable groups of children with opportunity for healthy development and that this ought to be recognized as an important form of social exclusion. This process of exclusion begins before birth and unfolds slowly over the entire life course. For example, those who enter school in a vulnerable state will tend to be less healthy, experience lower levels of well-being, and be more likely to end up in socially marginal positions as life unfolds⁴.

The Realization of Children’s Rights: Levels and Roles

LEVEL	ROLES
Parents	With regard to children, parents normally have the first line of responsibility to provide for a child's basic needs, to protect the child from harm, and to create a family environment that is conducive to the child's maximal development.
Neighbourhood and Community	Beyond a child's family, the immediate community is usually the source of basic services, and the place where schooling and wider social interaction takes place.
Governments	Beyond the community, regional and national governments have the responsibility to create the broad normative and institutional contexts for the enjoyment of children's rights.
Voluntary	In partnership with government, the voluntary sector plays a pivotal

⁴ Clyde Hertzman, *Leave No Child Behind: Social Exclusion and Child Development*. Perspectives on Social Inclusion working paper series, Laidlaw Foundation, 2002

Sector	role in ensuring that community services are equitably provided and responsive to the needs of parents and their children.
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LEVEL	ROLES
Macro Level	All of society has a role to play in supporting a distributive tax system and other economic policies that foster a child's rights to development, protection and participation.

V The Convention and the WFFC: Their implications for Canada's Voluntary Sector

V. A) Ongoing programming and operations

FOCUS ON QUALITY

Article 3 of the *Convention* states that a primary consideration in all actions concerning children is “the best interests of the child.” Programs developed within this framework provide quality care or services, and have a positive effect on children’s healthy development. Similarly, it is not surprising that the quality of children’s interactions with parents and the quality of care that children receive at home also affects their child care experiences.

We are fortunate to have access to a wealth of research and data on what factors influence child development, and of documentation on program and service best practices. In addition, research is confirming that quality child care and education is inclusive of all children.

In accordance with the *UN Convention*, the voluntary sector has an obligation to provide the highest quality services and to look seriously at long-standing practices that — although still popular — do not appear to impact positively on children’s development.

Questions to consider:

- Does our programming reflect current best practice?
- Is our organization robustly committed to programming quality?
- Do we have a communications plan for informing parents on best practice and evidence-based programming in our particular field or program?
- Does our organization need to review long-standing practices or programs?

RESPECT FOR ALL OF THE RIGHTS OF THE CHILD

As mentioned earlier, one of the basic principles of international human rights law is the indivisibility and interdependence of rights. In other words, the implementation of each right set forth in the *Convention* should take into account the implementation of, and respect for, many other rights of the child.

Therefore, regardless of whether NCA members are involved in child health, child welfare, early childhood care and education, or education, as child-serving professionals we need to be cognizant of and uphold the rights of children to survival, development,

protection and participation. This means not only being aware of the nature and extent of children's rights as outlined in the *Convention*, but helping to ensure that these rights are met.

Questions to consider

- How does my particular specialty or service fit into the big picture of ensuring children's rights to survival, development, protection and participation?
- How can our community relations, communications and advocacy work take into account the responsibility of the voluntary sector to help fulfill the full range of children's rights?
- Are our operational or programmatic policies in line with the basic principle of the indivisibility and interdependence of rights?

ENSURE ACCESS FOR VULNERABLE CHILDREN

The *Convention* and *A World Fit for Children* place the emphasis on realizing rights for all children, and providing special protection for vulnerable children. In other words, it is incumbent on agencies and programs to help ensure access for vulnerable children, including children with disabilities, children living in poor families, children in care and children living in other at-risk circumstances. This is not an easy task. Instead of looking at who we *are* reaching, the *Convention* and a WFFC ask us to look at who we *are not* reaching, and why.

In Canada, there exist ongoing instances of discrimination against children with disabilities. For example, organizations with policies that do not permit exclusion based on religion or ethnicity are still able to refuse children with disabilities. Not only are children and youth with disabilities often left out of opportunities to share their views, they are also often excluded from 'participation within their communities.' This effectively denies children and youth with disabilities interaction, a sense of belonging, friendships and civic engagement.

A World Fit for Children emphasizes that, in many countries, indigenous children are disproportionately disadvantaged due to all forms of discrimination. The WFFC calls, therefore, for countries to take appropriate measures to end discrimination, to provide special support, and to ensure equal access to services for indigenous children (WFFC, Article 22).

Questions to consider

- Who are the children who are most underserved in your community and why?
- How can vulnerable children be assured of equal access to and participation in programs and services that support their families and address their physical, emotional and social development?
- What can your agency do to advocate for the rights of vulnerable children, Aboriginal children and other children that are systematically denied their rights to survival, development, protection and participation?

ENCOURAGE PARTICIPATION

A programming approach that is guided by CRC and a WFFC should explicitly seek to create conditions that allow families with children and children themselves to participate more fully in community life and in the development of policies that affect them. Developing a ‘listening culture’ in the organizations and institutions that serve children and families is important to becoming an effective partner.

Questions to consider

- How often does our organization consult with children and youth (and their families) when we develop or implement programs to serve them?
- Does our Board of Directors include community members who use the services, or have a process for community consultation in the planning and evaluating of programs?
- Does our agency seek out the voices of vulnerable children and their families?
- Do we encourage staff training in listening, communication and ‘emotional intelligence’ skills?

FORGE INNOVATIVE PARTNERSHIPS TO HELP MOBILIZE AVAILABLE RESOURCES FOR CHILDREN

As highlighted earlier, a key characteristic of *A World Fit for Children* is that it predicates future success based on broad-based collaboration. *A World Fit for Children* stresses the importance of the active involvement — along with children themselves — of parents and other caregivers, local governments, parliamentarians, the voluntary sector, the private sector, religious organizations, Aboriginal leaders and the mass media.

Alliances and partnerships at all levels — in the community, in the province or territory, or at the national level — can help expand the base of resources and capabilities that can be mobilized for children.

Questions to consider

- Has our organization been involved in community alliances that build partnerships and collaboration?
- What groups or sectors have we had the most difficulty reaching and engaging on children's issues? Who can we enlist to help us make contact and build a working relationship?
- Has our organization looked at the possibility of integrating or dovetailing services with other relevant service partners, with the goal of increasing access, convenience and effectiveness?

EDUCATE CHILDREN, YOUTH, PARENTS AND THE COMMUNITY ABOUT CHILDREN'S RIGHTS

When children learn about their rights, they learn about respecting the rights and freedoms of others at the same time. Those who provide care or come in regular contact with other people's children are an important role model for each child. The way caregivers respond to children's needs teaches them about their value as people.

Further, using opportunities to help children learn about their rights (e.g., helping children learn about the difference between their wants, their needs and their rights) is an important way to teach children about both their rights and their responsibilities. In addition to helping children learn about their rights and responsibilities, child-serving professionals can play an important role in helping parents and families learn about children's rights.

Questions to consider:

- Does your staff know about the *Convention* and the rights of children?
- Do you make resource information about children visible and available to parents and families?
- Do you articulate or demonstrate a rights-based approach in your organization's routine decision-making?

THE ROLE OF VOLUNTARY SECTOR PROFESSIONAL CAREGIVERS AND ADMINISTRATORS

UNICEF's *State of the World's Children 2003* focuses on the responsibility of adults:

- * to seek out the perspectives and opinions of children and to take them seriously; and,
- * to help children and adolescents develop their competencies for authentic and meaningful participation in society.

In order to do this, adults must develop new competencies of their own:

- to effectively elicit the views of children and young people;
- to interpret both their verbal and non-verbal messages; and,
- to respond appropriately.

In addition, adults have the responsibility to ensure that there is the opportunity, time and safe place for the opinions of children and young people to be heard and given due weight.⁵

V. B) The Role of the National Children’s Alliance as Advocates

Influencing societal attitudes towards children

A specific objective of the National Children’s Alliance should be to influence attitudes towards children so as to contribute to the development of a culture of respect for their rights. The voluntary sector’s leadership in this area will help to create a climate for the broader acceptance of human rights principles, and facilitate the orientation of national policy to build a value system that recognizes human dignity, embraces inclusion and values everyone, and acknowledges the rights of people to be partners in the development of their communities.

Increasing skills in public policy discussions and government relations

A rights perspective in programming requires that those concerned about child development have good skills in public policy analysis and formulation, and a keen sense of the political processes that shape major social changes in Canada. Many child-serving professionals lack the experience or knowledge on how best to communicate with governments at all levels, and the comparative advantages of relationships with civil service or political levels. The NCA members can work towards increasing the capacity of their memberships or organizations in both understanding and influencing public policy in Canada.

⁵ *The State of the World’s Children 2003*. UNICEF, 2002 (page 2)

The Canadian Child Care Federation's *Policy Knowledge Response Network*

In 2003, the Canadian Child Care Federation launched its new *Policy Knowledge Response Network* (PKRN). This web-based system is designed to support and enhance the policy work of CCCF members and those working in the early childhood sector, with a special focus on increasing access to information, improving skills and connecting people to solve concrete problems. PKRN recently hosted the first two of three interactive teleconferences. Over 200 participants shared over 50 lines to interact with Dr. Clyde Hertzman on the important link between early childhood development research and policy development.

EXAMINING RESOURCES AND THEIR DISTRIBUTION

The voluntary sector can play an important role in examining whether the allocation of national resources actually reinforces, or helps to overcome, discrimination against Aboriginal Peoples, ethnic groups, children with disabilities and children living in poverty.

Article 4 of the *Convention* says: "States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present *Convention*. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation." One challenge is usually to ensure that the term 'available resources' is viewed as 'total available resources', and not just those currently allocated to the health and social sector.

Canada needs to determine whether economic and social sector policies and programs are consistent with the general principles of human rights (particularly the best interests of the child), and whether in fact they provide a sound basis for the 'progressive realization' of rights.

In assessing the situation of children, adherence to the *Convention* implies examining the extent to which national resources, as defined above, are used in Canada to advance the human development agenda. In particular, this means examining the level and effectiveness of the resources devoted to children and families, and determining whether the standard of 'to the maximum extent of available resources' is met.

For example, a good early childhood is one of the most important determinants of health and learning outcomes. Yet Canada's investment in these years lags well behind many other OECD countries. Europeans have understood the power of early childhood learning and have invested in it for decades. The European Union stresses that countries should invest 1% of their Gross Domestic Product in early childhood care and education. Some European countries exceed that amount. While only 5% of Canadian three-year-

olds participate in preschool, nearly 100% participate in countries such as France, Belgium, Italy and Iceland.

A key issue in Canada related to resource allocation is the decentralization of social sector responsibility. A case in point is the Early Childhood Agreement. Although it is a step in the right direction, under this agreement, the provinces and territories are free to choose how they allocate federal investment in early childhood development. In some cases, this arrangement serves to reinforce Canada's current patchwork of supports and services for parents with young children, which in turn leads to mixed results. The ongoing situation in the Province of Ontario is a current example, where the federal and provincial governments are at odds over priorities and accountability.

Given this current context, the Federal Government and its partners — particularly the voluntary sector — need to find ways to help ensure the development and implementation of cohesive and effective early learning and care strategies across Canada.

Questions to consider

- How can standards of best practice be ensured across all the provinces and territories in Canada?
- What is a potential role for the voluntary sector in government resource allocations based on the Social Union Framework Agreement?

ADVOCATING FOR YOUNG PEOPLE'S PARTICIPATION

The goals of young people's involvement in developing policies and programs that affect their growth and development include:

- drawing broad attention to the importance, rationale, and value of young people's active participation in family, school, community and national life;
- encouraging all sectors of society to promote children's authentic involvement in processes and decisions that affect their lives; and,
- generating action that includes children and young people to meet the goals of the WFFC.

The goal is not just to increase children's participation but to ensure their meaningful participation.

Youth in Philanthropy

Examples from around the world are showing that changes can be effected, which may not be accomplished otherwise, when children and young people are provided with the opportunity to contribute. One such example is *Youth in Philanthropy*, a program of Community Foundations of Canada operating in about 25 Canadian communities, coast-to-coast.

The first Youth in Philanthropy program in Canada was created by the Vancouver Foundation. It's Youth Philanthropy Council is dedicated "to supporting youth oriented programs in Vancouver through grants and volunteerism." In pursuit of this mission, the youth councils value statements include ...

"We believe:

- * that our position within the community is both an opportunity and a responsibility to provide philanthropic leadership;
- * that the youth endowment fund is a resource to benefit the youth of Vancouver and we commit to manage these funds in a responsible manner;
- * in open, accessible, respectful, and ethical behaviour in our conduct with all people who come in contact with the Foundation;
- * that our policies, programs and practices should enable and encourage youth growth and dignity, inclusiveness, fairness and the equality of all people;
- * in working as a catalyst to strengthen youth involvement in the community and to find solutions to shared challenges; and,
- * in partnerships that seek consensus and respect the integrity and individuality of participants."⁶

FORGING EFFECTIVE PARTNERSHIPS

Both the CRC and a WFFC stress the essential function of partnerships.

The voluntary sector can play a key role in advocating for innovative approaches to a government-voluntary sector partnership. For example, the pervasive government funding mechanism for the voluntary sector remains 'project-related funding'. However, this arrangement only reinforces a reactive approach, rather than investing in holistic approaches that are designed to improve child development outcomes. In this regard, the voluntary sector can raise the fundamental issue of how governments can best support the voluntary sector, and do so in a way that maximizes their impact on the lives of children and families they serve.

"Non-governmental and community-based organizations will be supported in their work, and mechanisms should be established, where appropriate, to

⁶ Youth in Philanthropy website: www.yipcanada.org

facilitate the participation of civil society in matters relating to children. Civil society actors have a special role to play in promoting and supporting positive behaviour and creating an environment that is conducive to the well-being of children.” [WFFC, Section III, Article 32.5]

SETTING PRIORITIES AND MEASURABLE GOALS FOR A RIGHTS-BASED APPROACH

Although a rights-based approach is a very valuable tool, it can be misunderstood and provide challenges if used improperly. For example – because this approach provides a framework for all-encompassing universal rights – it can lead to a paralysis if approached as though everything must be done at once. The result: little is accomplished. Therefore, in the best interests of the child, it is important for governments, the voluntary sector and community institutions to plan strategically. This includes focusing on priority issues where a critical mass of attention and/or resources can make a difference.

For example, in the context of its commitment to a rights-based approach, UNICEF is focusing its efforts for children around five priority areas: early childhood; girls’ education; immunization ‘plus’ (micronutrient supplementation); fighting HIV/AIDS; and, protecting children from violence, exploitation, abuse and discrimination. These priorities are UNICEF’s contribution to *A World Fit for Children* goals.

The National Children’s Alliance, through the development of the National Plan of Action of a WFFC and the National Children’s Agenda, can provide the leadership among child-serving non-governmental organizations to set priorities for action and advocacy. Otherwise, a scattered approach within the voluntary sector could, unintentionally, reinforce the status quo.

PARTICIPATION OF CANADA IN A GLOBAL MOVEMENT FOR CHILDREN

A World Fit for Children calls for a global movement for children to mobilize the necessary resources. Although Canada continues to play a major role in international development, it is far from reaching the internationally agreed to target of 0.7% of our Gross National Product (GNP) for overall official development assistance (ODA). In fact, Canada now only provides less than 0.3% of its GNP for ODA.

The voluntary sector in Canada can provide a united voice for not only Canada’s children, but for children everywhere.

“We challenge those who currently enjoy the riches of the world to take their knowledge and power, their technologies and resources, and most of all, their imagination and creativity, and use them to make the world better for children.”

--- [Nelson Mandela and Gracia Machel]

Appendix A: Linkages between the priority areas of *A World Fit for Children*, Canada’s National Children’s Agenda and the Convention on the Rights of the Child

Goals of the World Fit for Children (Declaration of the UN Special Session on Children, May 2002)	Canada’s National Children’s Agenda “Shared Vision”	Directly Relevant UN Convention on the Rights of the Child Articles
<p>Promoting healthy lives</p> <p><i>A good early childhood is a key determinant of lifelong health</i></p>	<p>Physical and emotional health</p> <p>Social responsibility and engagement</p>	<p>Art. 2: Principle of non-discrimination</p> <p>Art. 6: Right to survival and development</p> <p>Art. 24: Right to healthy development and equal access to health care</p> <p>Art. 27: Right to an adequate standard of living</p> <p>Art. 31: Equal opportunities for cultural, artistic, recreational and leisure activity</p>
<p>Promoting quality education</p> <p>The capacity for learning is developed before children enter school</p> <p>Large disparities among provincial testing related to factors such as the culture of the school life, the way students are organized for instruction and school resources</p>	<p>Success at learning</p> <p>Social responsibility and engagement</p>	<p>Art. 2: Principle of non-discrimination</p> <p>Art 18: Parental responsibilities and child care</p> <p>Art. 28: The right to education based on equal opportunity</p> <p>Art. 29: The right to education based on development of a child to their fullest potential.</p>
<p>Combating HIV/AIDS</p> <p><i>Health promotion and prevention strategies are key to combating HIV/AIDS in Canada</i></p> <p><i>The NLSCY demonstrates that peers play a central role in the social development of children and youth</i></p>	<p>Physical and emotional health</p> <p>Social responsibility and engagement</p>	<p>Art. 2: Non-discrimination</p> <p>Art. 6: Right to survival and development</p> <p>Art. 8: Right to identity and nationality</p> <p>Art. 21: Adoption ensures the best interests of the child</p> <p>Art. 24: Right to healthy development and equal access to health care</p> <p>Art. 28: The right to education based on equal opportunity</p> <p>Art. 29: The right to quality education oriented towards key human rights values</p>

<p>Protecting against abuse, exploitation and violence</p> <p><i>Research demonstrates benefits of home visiting for prevention of child abuse</i></p> <p><i>Roots of juvenile delinquency and adult criminality are in early childhood</i></p> <p><i>Early interventions can successfully alter trajectories that begin with aggression</i></p>	<p>Safety and security</p> <p>Social responsibility and engagement</p>	<p>Art. 2: Principle of non-discrimination</p> <p>Art. 6: Right to survival and development</p> <p>Art. 8: Right to identity and nationality</p> <p>Art. 9: Right to parenting, free from harm</p> <p>Art. 11: Combat illicit transfer of children</p> <p>Art. 16: Right to no unlawful interference</p> <p>Art. 19: Protection from violence and abuse</p> <p>Art. 20: Right to child protection and alternative care</p> <p>Art. 21: Adoption ensures the best interests of the child</p> <p>Art. 22: The rights to protection as a refugee and reunification with family</p> <p>Art. 23: Special protection and services for children with disabilities</p> <p>Art. 30: The right to ethnic, religious and linguistic freedoms</p> <p>Art. 34: Protection for sexual exploitation and sexual abuse</p> <p>Art. 35: Prevention of abduction and trafficking of children</p> <p>Art. 36: Protection against all other forms of exploitation</p> <p>Art. 37: Protection from cruel or inhuman treatment or punishment</p> <p>Art. 38: Protection from armed conflict</p> <p>Art. 39: Right to supportive services subsequent to trauma</p> <p>Art. 40: Protection of judicial rights for juveniles</p>
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