

## National Children's Alliance (NCA)



E-mail Digest, week of 22-26 December, 2003

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### NCA ACTIVITIES:

1. **Invitation:** Forum on Convention on Rights of Child 29-30 Jan. 2004

### NEWS FOR OUR MEMBERS:

1. **Feedback:** National Plan of Action posted on NCA Members' Page for your comments

### ISSUE ALERT:

1. **Trafficking Protocol will enter into force on Christmas Day**
  2. **Ireland appoints first Ombudsman for Children**
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### NCA ACTIVITIES:

1. **The Canadian Coalition for the Rights of Children, the Society for Children and Youth of BC and the International Institute for Child Rights and Development of the University of Victoria, in collaboration with the National Children's Alliance** are hosting a forum on implementing, monitoring and moving forward on the commitments contained within the Convention on the Rights of the Child (CRC). The session will review Canada's record in implementing the CRC so far, and examine how to further the application of children's rights in public policy and the courts through the Convention lens. Please find attached the invitation to the forum, a description of the organizing bodies and the registration form for participants.
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### NEWS FROM OUR MEMBERS:

1. **The National Plan of Action has been posted on the NCA website for your comments.** From our web page [www.nationalchildrensalliance.com](http://www.nationalchildrensalliance.com), just log on

to the Members' Page (user = ncamember, password = children) and under "What's New" click on the link under "A Canada Fit for Children". We have set it up so that you can read the Plan in one window and then minimize or toggle it to leave your comments in the box provided. You will also be able to view other members' feedback on the Plan. The NCA hopes to draft a collective response by the end of January, so please try to submit your input by the 20<sup>th</sup> of the month.

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## ISSUE ALERT:

- 1. A new international tool against child trafficking:** The recent raids on massage parlours in Toronto that turned up underage prostitutes, some of whom were there against their will, has highlighted the plight of children forced to work in the sex trade. The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, seeks to combat this problem when it occurs across borders; while the Protocol focuses on the international dimensions of the problem, trafficking is very much a concern in Canada and relevant to all those working in the child welfare field in this country, because it is a form of forced labour and it responds to demands in Canada. It also gets entangled with migration: many young women and girls seeking to come to Canada to escape poverty or abuse of their rights in their own countries cannot afford to do so, or are finding legitimate routes of migration increasingly restricted in the name of security; as a result, they turn to traffickers to get them into the country for a price and are then compelled to work for these traffickers in order to pay off their debt, most often either by prostitution or by drug dealing. A number of unaccompanied minors from China and Thailand who have claimed refugee status have ended up working in brothels in Vancouver and Toronto<sup>1</sup>. Children, mostly boys, from Honduras, have been smuggled into Vancouver in order to make money in the drug trade and send it back home. The numbers of Canadian children trafficked to the United States for prostitution occurs is even higher: their average age is 14-16 and they are usually transported across the border in the care of older men or women for the purpose of servicing the demands for sex at conferences, casinos, hotels and military towns<sup>2</sup>. In addition, there are increasing incidents of Canadian children being lured across the border by Internet chat rooms by adults in the US<sup>3</sup>.

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<sup>1</sup> "Trafficking in Women and Girls". Canadian Council for Refugees.  
<http://www.web.net/~ccr/trafficking.html>

<sup>2</sup> Aebi, Renatta. "The Trafficking in Children for the Purpose of Prostitution in British Columbia". Alliance for the Rights of Children. Presented for the International Instruments and Domestic Law Conference, hosted by the National Judicial Institute, held at Montreal, 9-12 November 2001.

<sup>3</sup> *Ibid.*

Canada's new Immigration and Refugee Protection Act (2002) contains increased penalties for traffickers; however, there are no provisions to protect the rights of those trafficked. The law's implementing Regulations actually contain punitive measures for people who have been trafficked or smuggled by making it easier for authorities to detain them.

The new UN Protocol offers two major advances in the fight against trafficking of children: it offers, for the first time, a conclusive definition of trafficking, that can be used as a model for national jurisdictions. Secondly, it makes the presumption that children cannot consent to their own trafficking, and must therefore always be considered as victims.. This means that it is simply the act of the trafficker in the chain of movement that will entitle a minor to be considered a trafficked victim. It also means that many people in the chain could be prosecuted for the trafficking of a child, even someone who simply gives shelter or 'harbours' a child, without any element of force or deception<sup>4</sup>.

Some human rights groups have criticized the Protocol for taking the approach of dealing with trafficking by focusing on enforcement<sup>5</sup>, emphasizing apprehending and punishing traffickers rather than making protection of victims the priority. It portrays the problem as a crime of immigration (thereby justifying more restrictive migration measures) rather than as a violation of basic human rights.

Canada ratified the Protocol on 13 May 2002. The Office of the UN High Commissioner for Human Rights has prepared guidelines for how the Protocol should be implemented and how child victims can be protected; it has also published a set of principles that are intended to provide practical, rights-based policy guidance on the prevention of trafficking and protection of victims.

- 2. A model for a governmental focal point for children** will be put to the test in Ireland. The Irish Children's Rights Alliance welcomed the appointment of Emily Logan as Ireland's first Ombudsperson for

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<sup>4</sup> O'Briain, Muireann. "Children and the UN Trafficking Protocol". ECPAT International Newsletters. Issue no. 42, 1 January 2003.  
[http://www.ecpat.net/eng/Ecpat\\_inter/IRC/articles.asp?articleID=529&NewsID=48](http://www.ecpat.net/eng/Ecpat_inter/IRC/articles.asp?articleID=529&NewsID=48).

<sup>5</sup> The Protocol was signed as a supplementary instrument to the Convention against Transnational Organized Crime, which deals with international cooperation on the rule of law and global crime; it calls upon countries to criminalize, in their domestic penal legislation: participation in an organized criminal group; money laundering; corruption; and obstruction of justice.

Children. The Chief Executive of the Alliance said that “children and young people will now have a strong, independent champion to promote their rights and best interests in connection with public policies and practices that affect children”. The Ombudsman’s office will be tasked with conducting investigations into complaints regarding specific violations of the rights of children and promoting the rights of children in all aspects of public policy, practices, procedures and law. The Child Rights Alliance has been advocating for an Ombudsman for Children since 1996. The UN Committee on the Rights of the Child, in its concluding observations, encouraged Ireland to take action on this issue in 1998. The commitment to the Office was reinforced in the Government’s National Children’s Strategy and the legislation was finally passed in 2002.

There are a number of similarities between the NCA and the Irish Children’s Alliance: the latter is a coalition of 75 Irish NGOs concerned with the needs and rights of children. Its goals are:

- To contribute to the public policy development process in order to promote positive changes in legislation, policies and services affecting children and young people
- To work for the establishment of an Office of Ombudsman for Children
- To raise awareness and understanding of the Convention and children's rights
- To participate in the monitoring and reporting process that exists in relation to the Convention.

The coalition’s activities include: making written and oral submissions to government departments, statutory bodies and other national for a; commenting publicly on policy issues and developments; undertaking research; producing policy reports; providing education and training sessions on children's rights; organising conferences and seminars; networking with relevant organisations, both national and international.

There are varying opinions within Canada’s National Children’s Alliance as to whether a central Commissioner for children’s issues would be advantageous for children: while some think the new position would provide a powerful focal point within Government for coordinating child policy in Canada, others think it would be merely a figurehead with little real ability to move the Government agenda. The Irish experience with the new Ombudsman Office will be watched to see if it is successful and may provide a useful basis for comparison.

The staff at the National Children's Alliance wishes all the readers of the E-mail Digest safe, happy holidays and all the very best for 2004! The Digest will return in early January.

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