

The General Measures of Implementation of the Convention on the Rights of the Child (CRC) & Child Rights Impact Assessments (CRIAs)



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Background



Guided by Pearson and Collins (2009).

*“Not There Yet: Canada’s
Implementation of the General
Measures of the Convention on the
Rights of the Child”* (<http://www.unicef-irc.org/cgi-bin/unicef/Lunga.sql?ProductID=569>)

- UNICEF-commissioned case study
- Our views, rather than UNICEF’s views



Not There Yet

Canada's implementation of the general measures of the Convention on the Rights of the Child

A joint publication of the UNICEF Innocenti Research Centre and UNICEF Canada

unite for
children

unicef 

“The way a child is treated by a society is an indication of what that society is all about.”

— Young person consulted in June 2007^[1]

“We’re free to express our views to a certain extent (that’s pretty much all we’re free to do as kids). As kids/teenagers we don’t have many freedoms, it’s a stereotype we’re irresponsible, trouble making kids! To us we don’t have a voice and we sure as hell can’t use it. It’s the adult world, we usually don’t have an opinion and if we ever do get to use our voices we’re pretty damn lucky to have the chance.”

— Meaghan, aged 15, Ontario^[2]

^[1] Landon Pearson Resource Centre for the Study of Childhood and Children's Rights, *Shaking the Movers – Speaking truth to power: Civil and political rights of children*, Final Report, Ottawa, Landon Pearson Resource Centre for the Study of Childhood and Children's Rights, June 2007, p. 11.

^[2] Canadian Coalition for the Rights of Children (CCRC), *How does Canada measure up?* Ottawa, Canadian Coalition for the Rights of Children, 1999, p. 27.

In sum:

- positive developments but much more that needs to be done to improve political, economic, social and educational structures affecting children's lives
- public attitudes to children must evolve
- Then there can be progress in the relationships between children and young people, and the various institutional settings, including the family.

Agenda



1. What are the general measures of the CRC?
2. Challenges
3. Assets
4. CRIAs and GMIs
5. Scenarios
6. Conclusion

Gen'l Measures of Implementation*

1. Law Reform & the CRC
2. Budgeting and Children
3. National Plans of Action (NPAs)
4. Monitoring Mechanisms
5. Child rights education, awareness raising and training
6. Independent human rights institutions for children
7. Coordination efforts and mechanisms for child rights

UNCRC: "General guidelines regarding the form and content of periodic reports to be submitted by states parties under article 44, paragraph 1 (b), of the convention" Adopted by the Committee at its thirty-ninth session on 3 June 2005" UN Doc. CRC/C/58/Rev.1, 29 November 2005 (specif. a. 4, 42, 44(6)); & "GENERAL COMMENT No. 5 (2003): General measures of implementation of the Convention on the Rights of the Child (arts. 4, 42 and 44, para. 6)" UN Doc. CRC/GC/2003/5, 27 November 2003

Law Reform & the CRC

- Canada's Constitution and the Convention; CRC status; and Canada's Reservations
- Federal government and law reform (roles of executive and legislative)
- Federal law reform
 - Criminal Code (prot'n from sexual exploitation); YCJA; Tobacco Control Act and Assisted Human Reproduction Act; Corporal punishment; citizenship and immigration; Divorce Act; National Defence Act; Aboriginal peoples
- Provincial law reform
 - Child advocate legislation; child welfare and youth protection acts; child work and labour
- Jurisprudence and the judiciary
 - Baker v. Canada; CC s. 43 challenge; Syl Apps
- General challenges to CR in judicial interpretation and application
- Contributions from civil society
- Should Convention be incorporated into domestic law?

Budgeting and Children



=budgetary allocations at federal and provincial levels

=expenditures

=evaluation measures

1. Federal budget

ie \$ to families, funding to First Nations children

2. International Development Assistance

3. Provincial Budgets

4. Expenditures and Evaluation

-exs where impact assessments have led to positive results, ie PHAC
Aboriginal Head Start, ie Centres of Excellence for Child Well Being, & prov
level: Auditor General in NL, and NB

=gap of CRIAs

5. Civil Society

ie Campaign 2000

- Notes impact assessments where they exist

National Plans of Action (NPAs)



- Commonly called for by international processes/institutions
- Federal and provincial efforts
 - Canada's NPA: A Canada Fit for Children;
 - *Un Quebec digne des enfants*
- Analysis

Monitoring Mechanisms



=Assesses state of children and the impact of policies, programs and budgets on children

- Federal government process of reporting to UN committees
 - SUFA fed/prov monitoring of well-being under ECD agreement since 2002; NCB
- Data Collection
- Provincial report process
- Civil Society efforts
 - Ie SCY-BC, CCRC, CCSD, North-South Partnership
- Analysis and Conclusion

Child rights education, awareness raising & training



- As per CRC a. 42
- Government activities
 - Raising CRC awareness
 - Education on the Convention
 - Training
- Civil society efforts

Independent human rights institutions for children



=for promotion and protection of human rights

- Federal level
- Provincial level
- Municipal level

Coordination efforts & mechanisms for child rights



- National level
- Provincial and local efforts
- Challenges to coordination
- Weaknesses in federal leadership on child rights
- Civil society capacity and resource constraints

Challenges to GMIs

- Federal level
- Federal-provincial-territorial relations
- Public awareness
- Relations between civil society and the federal government
- Role of the media
- Support for youth participation

Assets – International Level

- CRC
- Human rights-based approach
- Processes the CRC has established
- States parties are obligated to produce periodic reports
- Childhood is universal

Assets – national level

- Generally prosperous with history of human rights involvement
- Governed by the rule of law
- Fed'l & prov'l laws promote the child's best interests as a primary concern (with some exceptions)
- CRC guides courts in interpreting domestic legislation

National level assets - continued

- Growing number of legal scholars, academics, health experts and social innovators who understand the implications of CRC implementation
- Leadership in social innovation
- child advocates appointed in 9 provinces operate both provincially and nationally

National level assets - continued

- Dedicated, willing civil society groups focused on children and youth with significant potential for advancing CRC implementation with adequate support in partnership with government.
- Finally, children and young people are the best asset of all and increasing numbers are involved. The UNCRC notes:

“Participation also offers opportunities for children from diverse backgrounds to build a sense of belonging, solidarity, justice, responsibility, caring and sensitivity.” [\[1\]](#)

[\[1\]](#) United Nations Committee on the Rights of the Child, Third Draft General Comment Article 12, Office of the United Nations High Commissioner for Human Rights, Geneva, July 2007, para. 11.

Relationship between GMIs and CRIAs



- What is the relationship?
- How would CRIA process work?
- How do we achieve greater implementation of children's rights?

Discussion Question



- What are the main components and considerations of CRIAs?

Scenarios @



- Federal level
- Federal-provincial level
- Provincial level
- Municipal level

Consider:

- *Who is making the decision?*
- *How to make CRIA and CR implementation happen?*

Federal level



- Child marriage
- How should federal government use international development requiring people working in the field with Canadian funding to address child marriage?

Federal-provincial level



- Jordan's Principle
- Federal-New Brunswick case

Provincial level



- CR education
- How should the Minister of Education improve education of children's rights if using CRIA?

Municipal level



- Specified area targeted for development
- How should the municipal government use CRIA in relation to this development?

Discussion Question



- *What would be best practice for CRIAs as informed by the GMIs?*

Conclusion



- Essential relationship between GMIs and CRIAs
- GMIs lend institutional/structural framework for children's rights and CRIAs
- Need greater CR implementation
- We need the GMIs in place in order for CRIAs to work and to make sense

“The children of today have rights, the adults of today have rights ... shouldn't our rights be noticed as much as yours.”

— 16-year-old boy from Sydney, Nova Scotia^[1]

^[1] Sixteen-year-old quoted in Save the Children Canada, 'A Canada Fit for Children: A report on the realities for young people in Canada today', Toronto, Save the Children Canada, July 2001, p. 35.