



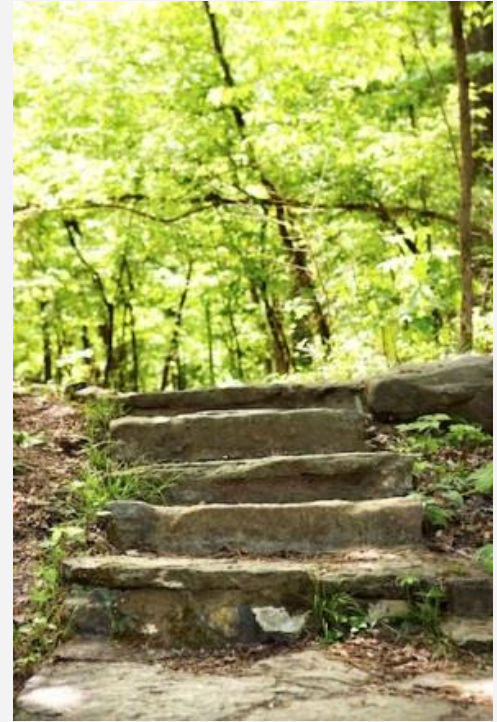
Children's Rights and Indigenous  
Children in Canada  
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# Presentation Overview

- Introduction
- Conceptualizations of Children
- Indigenous Children in Canada
- Convention on the Rights of the Child
- The Convention and Indigenous Children
- Considerations for Moving Forward



# Introduction

- Convention on the Rights of the Child adopted by the United Nations November, 1989
- Globally applicable
- The first Convention to integrate civil and political rights with economic, social and cultural rights
- Canada ratified the Convention in December, 1991
- The Convention is meant to ensure equity in all areas shaping their health and well-being in a way that respects their distinct cultures, spirituality and knowledges
- Is an international agreement that treaty bodies can hold governments accountable for the health and safety of all children

**UNITED NATIONS CONVENTION ON  
THE RIGHTS OF THE CHILD**



**1. DEFINITION OF A CHILD**  
A child is anyone under the age of 18, unless a country's law sets a younger age limit.

**2. NON-DISCRIMINATION**  
The Convention applies to all children, no matter what their race, sex, religion or disability, and whether they are rich or poor. The government must protect children from any discrimination.

**3. BEST INTERESTS OF THE CHILD**  
Anyone taking care of a child should be guided by what is in the child's best interest. If parents or other guardians cannot care for a child, the government should provide the necessary care.

**4. IMPLEMENTING THESE RIGHTS**  
Governments must make sure that all children have all of the rights in this Convention.

**5. PARENTS AND CHILDREN**  
When possible, children have the right to know and be raised by their parents.

**6. SURVIVAL AND DEVELOPMENT**  
Every child has the right to live. Governments should make sure that children survive and grow up healthily.

**7. NAME AND NATIONALITY**  
All children have the right to have a name when they are born. They also have the right to a nationality.

**8. IDENTITY**  
The government should respect a child's right to a name, nationality, and family.

**9. SEPARATION FROM PARENTS**  
Children have a right to live with their parents unless a court tells for them. Children whose parents have separated have the right to stay in contact with both parents, unless this might hurt the child.

**10. FAMILY CONTACT**  
If parents in the same family live in different countries, they should be allowed to move between these countries so that parents and children can stay in contact or reunite as a family.

**11. ILLEGAL TRANSFER**  
The government should prevent children being illegally taken from their own country. If they are, the government should do whatever it can to bring them back home.

**12. A CHILD'S OPINION**  
Adults who are making decisions impact other children must respectfully consider the children's opinions in the matter.

**13. FREEDOM TO EXPRESS**  
Children have the right to go and to share information, and to express their thoughts, as long as it does not harm others or society.

**14. FREEDOM TO THINK AND BELIEVE**  
Children have the right to think and believe what they want and to practice their religion, with the guidance of their parents.

**15. FREEDOM TO JOIN AND ASSEMBLE**  
Children have the right to meet together and to join groups and organizations, as long as this does not hurt other people from enjoying their rights.

**16. PRIVACY**  
Children have a right to privacy. Governments must protect them from attacks against their way of life, their good name, their families and their homes.

**17. ACCESS TO INFORMATION**  
Children have the right to reliable, understandable information from television, radio, and newspapers. These media should not promote materials that could harm children.

**18. PARENTAL RESPONSIBILITY**  
Both parents share responsibility for bringing up their children. Governments should help parents by providing services to support them, especially if both parents work.

**19. PROTECTION FROM ABUSE, NEGLECT, AND MILENCE**  
Children have the right to be properly cared for and protected from violence, abuse, and neglect by their parents, or anyone else.

**20. PROTECTION FOR CHILDREN WITHOUT FAMILIES**  
Children who cannot be looked after by their own family must be looked after properly by people who respect their religious values and beliefs.

**21. ADOPTION**  
When children are adopted or in foster care, the best interests must be taken into account. This is required in the country where they were born, or if they are taken to live in another country.

**22. REFUSE CHILDREN**  
Children forced to leave their homes and taken to another country or refugee should have the same rights as children born in that country.

**23. DISABLED CHILDREN**  
Children who have any physical or mental disability are entitled to special care and support to help them lead full and independent lives.

**24. HEALTH AND HEALTH SERVICES**  
Children have the right to quality health care, clear water, nutritious food, and 12-hour emergency care that they will not have to pay for. Health care workers should help parents encourage children to stay.

**25. REGULAR EVALUATION AND PLACEMENT**  
Children who do not live with their parents should have their circumstances reviewed regularly.

**26. SOCIAL SECURITY AND ASSISTANCE**  
The government should provide financial help for the upbringing of families in need.

**27. STANDARD OF LIVING**  
Children have a right to a standard of living that meets their physical and mental needs for food, clothes and a safe place to live.

**28. EDUCATION**  
Children have a right to an education. Children in schools should respect other children's human rights. Primary education should be free. Wealthy countries should help poorer countries access this.

**29. GOALS OF EDUCATION**  
Education should develop each child's personality and talents to the full. It should encourage children to respect their people's rights and values, and their own and other cultures.

**30. CHILDREN OF REFUGEES OR INDIGENOUS PEOPLES**  
Children have a right to learn and use the language, religion and customs of their families, whether these are shared by the majority of people in the country or not.

**31. LEISURE, RECREATION, AND CULTURAL ACTIVITIES**  
All children have a right to rest and to play.

**32. CHILD LABOR**  
Children must be protected from work that is dangerous, or might harm their health or their education.

**33. DRUG ABUSE**  
The government should protect children from dangerous drugs.

**34. SEXUAL EXPLOITATION**  
Governments must protect children from sexual abuse.

**35. SALE, TRAFFICKING AND ABDUCTION**  
Governments must make sure that children are not sold or put.

**36. OTHER FORMS OF EXPLOITATION**  
Children should be protected from any kind of exploitation.

**37. TIMEOUT AND DEPRIVATION OF LIBERTY**  
Children who break the law should not be punished cruelly. They should not be put in prison with adults and should be able to keep in contact with their families.

**38. ARMED CONFLICTS**  
Governments should not allow children under 15 to join the army or take part in battles. Children in war zones deserve special protection.

**39. REHABILITATIVE CARE**  
Children who have been recruited or abused have the right to special help.

**40. ADMINISTRATION OF JUSTICE**  
Children who are accused of breaking the law should receive legal help and fair treatment by a justice system that respects their special needs.

**41. BENEFIT FOR THE HIGHEST STANDARD**  
If the laws of any country protect children better than the articles of this Convention, those laws should apply.

**42. PUBLICIZATION AND IMPLEMENTING THIS CONVENTION**  
These articles describe exactly how governments and non-governmental organizations will work to provide all of these rights to all of the children of the world.

The Convention on the Rights of the Child is an international treaty that recognizes the human rights of children. Universally ratified by the United Assembly on November 20, 1989, it has now been ratified by all of the world's governments except the United States of America. By signing the Convention, the United States has agreed to improve its laws to let it do so. Each year, more than 100 million children are born, and the number is growing. It is the responsibility of the United States to make the necessary changes to protect the rights of these children. The international protection of children's rights is a global issue that requires the cooperation of all nations. The international protection of children's rights is a global issue that requires the cooperation of all nations.





# Indigenous Children in Canada



# Conceptualizing Children

- Children hold a unique position in Indigenous cultures
- Are often viewed as a gift from the Creator
- Children seen as
  - the repositories of past knowledge,
  - experiencing and learning in the present, and
  - holding the dreams for the future
- Children have specific role in families
- Are a person in the making



# Indigenous Children and the CRC

- In Canada, Indigenous people including children are constitutionally recognized and afforded 'special' status
- There are three groups of Indigenous people (collectively referred to as Aboriginal peoples) in Canada: First Nations, Inuit and Métis



- Partnership report between UNICEF Canada and National Collaborating Centre for Aboriginal Health (2009) examines the state of being for Canada's Aboriginal children



# Born into a Colonial Legacy

Colonial legacy of:

- Language and culture loss
- Low socio-economic status
- High rates of substance use
- Over representation in the justice system
- Disproportionate number of children and youth in the child welfare and justice systems
- Low education success rates
- High rates of suicide and injury
- Inaccessible health care services



# The State of Indigenous Children in Canada

First Nations, Inuit and Métis children experience:

- higher rates of: infant mortality, tuberculosis, injuries and deaths, youth suicide, middle ear infections, childhood obesity and diabetes and other chronic diseases, dental caries, increased exposure to environmental contaminants including tobacco smoke, and
- lower rates of: immunization and access to a doctor







# Convention on the Rights of the Child



# The Convention: General Principles

- In the best interests of the child
- Right to life, survival and development
- Non-discrimination
- Right to be heard







# Indigenous Children and the Convention

- Indigenous children rights can be realized in the Convention in the Preamble and through Articles such as: 2 and 9 and 17
- **Article 30** – one of the only articles of the Convention to explicitly recognize indigenous children as rights-holders...
- Acknowledges the unique status of Indigenous children and the need for special safeguards to ensure enjoyment of culture, religion and language while recognizing individual children rights within the dimensions of their collective  
Children are also entitled to integrate on their own terms, with their cultural identity preserved, rather than be assimilated into majority culture.







# Child and Youth Participation

# Shaking the Movers





A scenic mountain landscape with a red columbine flower in the foreground. The flower is in sharp focus, showing its vibrant red petals and yellow centers. The background features a dense forest of green trees and a majestic, snow-capped mountain peak under a cloudy sky. The overall scene is bright and natural, suggesting a high-altitude or alpine environment.

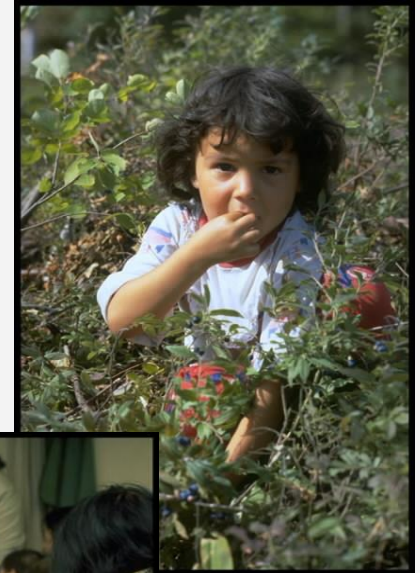
# Moving Forward



# Addressing the Interests and Rights of Children

Examples of addressing children's rights include:

- **New Brunswick** – Child Rights Impact Assessment – February, 2013
- **Nunavut** establish a Representative for Children and Youth – 2013
- **Alberta** passed the Children First law – 2013
- Most provinces in Canada are implementing the **Early Development Instrument (EDI)**  
monitors the developmental progress of young children prior to entering school.





# Moving the CRC Forward

- UNICEF Canada
- Canadian Coalition on the Rights of Children

- National Collaborating Centre for Aboriginal Health
- BC Society Children and Youth



- Children's Rights Academic Network
- Justice for Children and Youth







# Social Justice Education

- Education that provides information to children through which they can develop social and political consciousness, a sense of agency, and their own social and cultural identities (Gutstein, 2007)
- Anti-bias Curriculum – Louise Derman-Sparks





# Still some Challenges ...

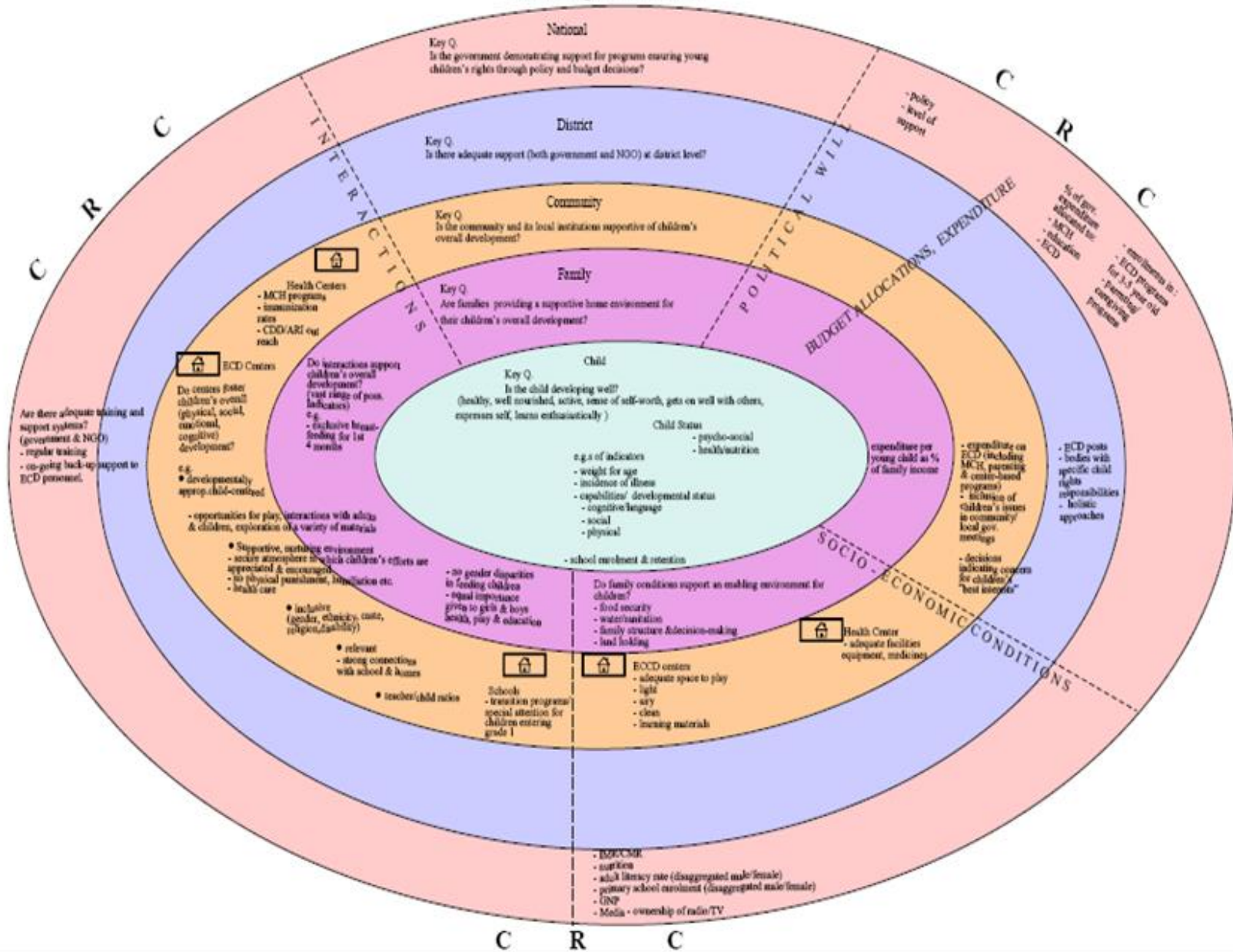
- Canadian Human Rights Tribunal and a court challenge in relation to Jordan's Principle
- Over representation of Indigenous children in the child welfare system
- Need for language and culture initiatives
- Lack of national poverty strategy
- Lack of national strategy for children e.g. national early learning and child care strategy



# Supportiveness of the environment for Children's overall development

## How are adults meeting their obligations to children?

### A child rights framework







# Some Considerations for Moving Forward

- Hold our governments and agencies accountable for ensuring the rights of all Canadians particularly those of marginalized Indigenous peoples
- Ensure participation of those we serve
- Reflect on our practice
- Promote and implement social justice models of education
- Increased support for parents and families
- Reconstructing positive parenting models and child rearing
- Equitable access to ECE services
- Increased investment in early childhood services
- Further developing and implementing child impact assessments

NATIONAL COLLABORATING CENTRE  
FOR ABORIGINAL HEALTH



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DE LA SANTÉ AUTOCHTONE

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