

Saskatchewan's Children...From "Paper" Rights to "Lived" Rights

By Marvin M. Bernstein

Following is the viewpoint of the writer, the Saskatchewan Children's Advocate.

November 20, 2007, is National Child Day. Proclaimed by the Government of Canada in 1993, it celebrates two historic events for children - the adoption of the United Nations *Declaration on the Rights of the Child* in 1959 and the United Nations *Convention on the Rights of the Child*, ratified by the United Nations General Assembly on November 20, 1989.

The *Convention on the Rights of the Child* was ratified by the Canadian Government on December 11, 1991. Likewise, the Saskatchewan Legislature confirmed its own support earlier on the very same date, with the Provincial Government stating: "Support for the *Convention* is essential because it reaffirms our responsibility for the care and well-being of all children in our society. The *Convention* also serves as a reminder that as long as there are still children in this province who are not receiving the care and protection to which they are entitled, there is more which must be done."

This year, National Child Day has special significance, as the *Convention* turns eighteen. Consequently, Saskatchewan and Canadian youth reaching the age of eighteen, as of November 20th, will be the first generation of children born with universal rights under the *Convention*. While Canada and Saskatchewan have made some progress in protecting the rights and promoting the well-being of this first generation, to a great extent, these entitlements have not been sufficiently implemented and have been largely relegated to mere 'paper rights.'

On the occasion of this special National Child Day in 2007, we must, as a province and community, pledge a stronger commitment to this new second generation of children with rights under the *Convention*. We must all seek opportunities to make a tangible difference in their lives and to ensure that they will be able to practically access and exercise their rights. In this way, we will go a great distance towards transforming these 'paper rights' into actual 'lived rights.'

In 1994, Saskatchewan created an *Action Plan for Children* which developed a number of programs and services to support and enhance the care and protection of our children. The Plan also established the Children's Advocate Office and was the foundation for the excellent work later achieved by the non-partisan Provincial Government Committee on the Sexual Exploitation of Children. The Plan was a good beginning. As a province, we must now take the necessary next steps to ensure that the fundamental human rights of children and youth under the *Convention* are given sufficient priority and integrated within government legislation, policy and practice. We must take the 'paper rights' of the *Convention* and make them 'lived rights' for Saskatchewan's children and youth.

The *Convention* specifies and UNCIEF articulates, "...children everywhere have basic human rights: the right to survival; to develop to the fullest; to protection from harmful influences, abuse and exploitation; and to participate fully in family, cultural and social life." Earlier this year, with these rights

in mind, my Office established a set of eight *Children and Youth First Principles* for Saskatchewan children and youth, which can be found on our website at www.saskcao.ca.

Recent developments at the federal level from the Senate and the Supreme Court of Canada have helped advance a 'child first' focus on the issue of rights and the child-welfare system. Consideration is also being given to the establishment of an independent national Children's Commissioner to monitor the Federal Government's implementation of children's rights. Seen as an opportunity to build consensus at a national level for all children, and to bridge inter-jurisdictional issues for the particular benefit of aboriginal children within individual provinces, this recommendation has been endorsed and supported by my Office and other provincial Children's Advocates across Canada.

The *Convention* expressly recognizes that parents have the most important role in bringing up their children. The text encourages parents to deal with rights issues with their children "in a manner consistent with the evolving capacities of the child." As Senator Landon Pearson has stated, "The standards set by the *Convention* should not be seen as entitlements that set the child against the adult world. On the contrary, they represent the highest norms of civilized behaviour."

It is imperative for children and youth to have as many advocates as possible – be they natural, family, community or statutory advocates. I encourage everyone – whether a parent, family member, teacher, caregiver, or professional - to become effective advocates for children and youth and to find practical ways in which you can help them on a day-to-day basis.

Can we transform children's 'paper rights' into 'lived rights'? It is my sincere hope that by National Child Day 2008 – and for every day thereafter - we will see Saskatchewan taking the lead in moving beyond the 'rhetoric' of children's rights and in making the *Convention* a 'reality' for all of our children and youth.