

**Celebrating the 20<sup>th</sup> Anniversary of the  
United Nation *Convention on the Rights of the Child***

By Marvin M. Bernstein

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

On November 20, 2009, Canada celebrates National Child Day and joins the world in commemorating the 20<sup>th</sup> anniversary of the adoption of the United Nations *Convention on the Rights of the Child*. This year in Saskatchewan, we also have the unique opportunity to mark an important shift in the recognition and elevation of the human rights of children realized through a series of significant events.

First, in response to the tabling of my Office's foster home overcrowding report in February, the Government of Saskatchewan adopted the *Children and Youth First Principles*. This was followed in September by the announcement that the Governments of Saskatchewan, Canada and the Federation of Saskatchewan Indian Nations had reached a tripartite agreement on an interim process to implement Jordan's Principle—a child-first approach intended to ensure that the health and well-being of First Nations children in Saskatchewan take priority over questions of jurisdiction and the responsibility for payment of services and health care. More recently, the Government of Saskatchewan announced the initiation of a broad—and what has been called a “landmark”—review of child welfare in our province.

These three events demonstrate a commitment to our young people and present real opportunities to transform the ‘paper rights’ of the UN *Convention on the Rights of the Child* into the ‘lived rights’ for all Saskatchewan children and youth. This is significant because, for many of us, the idea of children's human rights is acknowledged as a foreign, far off problem, or rejected as imprudent for fear that the inherent human rights of children will infringe on others' rights.

The reality is that, in our own province, there are children and youth, who are living in deplorable conditions of poverty, abuse and/or neglect, who through no fault of their own are not having their well-being considered or best interests met. The harm these children and youth experience can affect them for the rest of their lives, as well as future generations. We need look no further than the staggering over-representation of Aboriginal children in care in our province, at nearly 80 per cent compared to 25 per cent of the total child population, to realize that we have a significant problem close to home.

So while it is vital that we consider and address the plight of children and youth across the globe, we must also recognize that many of Saskatchewan's own sons and daughters have not been afforded the basic human rights set out in the *Children and Youth First Principles* and *Convention*.

Acknowledging these rights does not infringe on parents' rights to decide what is best for their child and is not a matter of placing children in conflict with adults, but of securing the survival, development, protection and participation of our most vulnerable citizens.

The content of the *Convention* is not radical—that children have a right to proper nutrition, shelter, an adequate living standard, medical services, education, play, culture, access to information, freedom of thought, freedom of expression, and to be safeguarded against all forms of abuse, neglect and exploitation. These are basic human rights that are afforded most every other group of people in our country, and if recognized and promoted, can afford children increasing opportunities to participate in the activities of their society and prepare them for responsible adulthood. That is good for all of us, and it is certainly good for a government that has to deal with the alternative issues and pressures that arise when children and youth are marginalized.

Here in Saskatchewan, we must provide additional community supports to prevent children from coming into care in the first place, properly fund kinship care in those circumstances where children must leave the homes of their biological family, and develop ‘open’ and ‘custom’ adoption options, so that more of our waiting Saskatchewan children can be moved into loving permanent homes, rather than drifting in foster care, while international adoptions continue to flourish and disproportionately benefit children from other countries.

The initiation of the child welfare review is overdue recognition that there is much that we can do better for Saskatchewan’s children and youth. So as we celebrate the near universal ratification of the *UN Convention on the Rights of the Child* by governments around the world and that we in Saskatchewan have made significant strides in recognizing and promoting the rights of children, we must not lose sight of what needs to be, and can be achieved, in the next two decades for the children and youth of our province.

Ultimately, we will be defined and judged as a society by the legacy of how we have shouldered our greatest responsibility, which is to ensure the well being of our children and to promote respect for their fundamental human rights.